

1-1-1998

Compliance with human rights norms : international efforts to end torture.

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COMPLIANCE WITH HUMAN RIGHTS NORMS:
INTERNATIONAL EFFORTS TO END TORTURE

A Dissertation Presented

by

KATHERINE H. BRANNUM

Submitted to the Graduate School of the
University of Massachusetts Amherst in partial fulfillment
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

September 1998

Department of Political Science

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ACKNOWLEDGMENTS

I would like to thank my chairperson, M.J. Peterson, for her guidance and support and her willingness to read and comment on numerous drafts. I would also like to thank Peter Haas for his help and encouragement and David Evans for his useful comments and suggestions. I could not have finished this project without the support of my parents and my brothers and sisters. My fellow graduate students made the process bearable. I would like to thank my friends in the graduate lounge and in particular Yuri Kumagai, Sami Tabari, Farid Farahanchi, Cesar Alegre, Tito Milla, Vanessa Harris, Lucia Ponginebbi, Shibani Ghosh, Lars Kielhorn, Prasad Venugopal, Colin Cavell, Bill Rose, Richard Urena and Shrikumar.

ABSTRACT

COMPLIANCE WITH HUMAN RIGHTS NORMS:
INTERNATIONAL EFFORTS TO END TORTURE

SEPTEMBER 1998

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This study of state compliance with international norms against torture focuses on the period 1979-1993. Configurations of factors are compared using the Qualitative Comparative Approach. The first part of the study is a cross-national analysis of government compliance in 1993. To elucidate the circumstances under which states that are democracies or are in transition to democracy may improve their records of compliance with norms against torture, the second part of this study presents the results of a comparison of a group of such states where the governments improved compliance and a group of states where the governments continued to torture at high levels.

This study shows that the record of compliance with international norms against torture in 1993 is a weak one. Total compliance was rarely achieved and difficult to maintain. The states that improved from the worst levels were still in 1993 torturing at middle levels. Both the cross-national study and the analysis of selected governments' behavior from 1979 to 1993, present evidence of

the importance of type of political regime. This study demonstrates that in many cases the presence or absence of armed conflict distinguishes democracies or states in transition that complied from those that did not. However, while there are clear patterns among some states that torture, these important factors do not alone distinguish governments that torture from those that do not. They are clearly not sufficient to explain government behavior. The second part of this study, looking at behavior over time, shows that membership in any of the torture regimes has not had any serious impact on government behavior. An analysis of the comparison also confirms and further develops the importance of armed conflict as a domestic factor and indicates the circumstances under which the presence of minor armed conflict may be overcome. This study also highlights the importance of foreign pressure and the more limited circumstances under which NGOs with transnational links may have been able to effect government practice.

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CHAPTER 1

INTRODUCTION

This study of state compliance with international norms against torture focuses on the period 1979-1993, an era of significant change in world politics, most notably democratization, the breakup of a superpower, the emergence of new states, and new internal conflicts. These changes created additional opportunities for raising human rights issues, intensifying a trend visible since the early 1970s. The early 1970s were a period of increased human rights activism and optimism. Public awareness was increased as new large scale human rights abuses, like those in Argentina and Chile, received widespread media attention. The work of groups like Amnesty International and the willingness of governments to create and sign new human rights treaties like the conventions against torture, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the African(Banjul) Charter on Human and Peoples' Rights inspired greater expectations that human rights abuses could be curtailed. Many scholars concerned with the importance of the human rights movement argue that this is the period when human rights activists and organizations began to affect state practice (Donnelly, 1993; Buergenthal, 1997; Garcia-Sayan, 1992)

Evaluating the impact of the human rights movement requires establishing whether the way governments treat their citizens actually changed. This study explores whether governments began to practice torture less frequently after transnational human rights actors became active. While exploring how norms may have altered the language of state actors and their interactions with human rights activists is also useful, the primary task of a study seeking to understand the determinants of government behavior is to examine changes in state behavior.

The first part of the study is a cross-national analysis of government compliance in 1993. This analysis has been included to elucidate some global tendencies. An initial survey of the conditions present in states where the government was complying and in states where the government was not complying with international norms against torture provides a broader overview as a check on the observations drawn from a time analysis of a smaller selection of states. The factors, or variables, examined in this section are: the level of prosperity, membership in one of the regimes against torture, the level of internal armed conflict, the type of domestic regime, and the presence or absence of state-sponsored religion.

Because regional and universal comparison for one year is insufficient to increase understanding of the dynamics of choice, this study also undertakes a dynamic analysis by looking at change in state behavior over time. To elucidate

the circumstances under which states that are democracies or are in transition to democracy may improve their records of compliance with norms against torture, chapters four and five present the results of a comparison of a group of such states where the governments improved compliance and a group of states where the governments continued to torture at high levels. Exploring systematically why some governments in states that are democracies or in transition to democracy reduced the amount of torture practiced while others did not provides insight into whether, and under what circumstances, the three additional factors, foreign pressure, active human rights NGOs operating within the state, and transnational links to the international human rights community could have had an effect on compliance.

A study of state compliance with international human rights norms is useful because it provides the sort of in-depth study needed to assess the propositions advanced in the literature on compliance. Examining the circumstances under which compliance can be achieved even on a very sensitive and traditionally domestic issue is particularly useful. Many analysts view human rights as a difficult area in which to achieve an acceptable level of compliance (e.g. Chayes & Chayes, 1993, p.197; Haggard & Simmons, 1987, p.514; Onuf & Peterson, 1984, p.337) As Chayes and Chayes note:

The effort to protect human rights by international agreement may be seen as an extreme case of time lag between undertaking and performance. It is apparent that some states adhered without any serious intention of abiding by them. But it is

also true that even parties committed to the treaties had different expectations about compliance than with most other regulatory treaties (1993, p. 197).

Issues of compliance with Human Rights norms are particularly complex because of the lack of incentive to cooperate, the absence of inter-state damage caused by violation, the nonreciprocal character of human rights treaties, the difficulty in identifying human rights abuse and the problem of demonstrating government responsibility for some human rights abuses.

Governments do not need to cooperate with other governments in order to improve human rights in their own country. If a government wants its citizens to be free from torture, it can stop torturing them. How another government behaves towards its own citizens should not affect the first government's choices. Direct effects of respecting or violating human rights norms generally do not cross borders. Because of this, cooperation in the promotion of human rights does not rest on governments' constraining their own actions in exchange for the cooperation of others, as does cooperation on many other issues.

Efforts to promote compliance with human rights norms are limited because a government generally has no immediate material interest in acting on behalf of citizens of another state. There is no self interested reason for external enforcement. Even when a government decides to act, the problem of choosing the proper sanction is a complicated one.

Because human rights regimes are established to protect individuals, it does not make sense for a government to break a treaty in response to another's violating that treaty. The violating state will not suffer. This is recognized in article 60 paragraph 5 of the Vienna Convention on the Law of Treaties which stipulates that termination or suspension of operation of a treaty in response to a violation "do not apply to provisions relating to the protection of the human person, contained in treaties of humanitarian character." Nor is it clear what other sanctions are available.

Governments have attempted to use economic sanctions but issue-linkage is often controversial not only with the target government but also with domestic opinion in the applying state due to weak commitment to human rights values or the urgency of competing concerns.

Human rights regimes address an issue where it is not always easy to decide what constitutes a violation. Because the international system includes states with different cultures and ideologies, there is often no common understanding of the way human rights problems should be addressed or how regime injunctions should be interpreted. Therefore, a government may consider itself to be in compliance and may even have support from some governments but be considered to be in violation by other governments. If a government believes the case is ambiguous, it may feel it can risk noncompliance. The differences in cultural norms may create more difficulty in human rights than in other

areas because they make human rights a hotly contested concept.

Assigning responsibility for a violation to a government can be difficult in particular cases. Individual officials can act contrary to instructions. Yet, unlike international environmental regimes where a government agrees to control behavior of private citizens, when it comes to torture the government is promising to keep its own officials from using torture, not to stop citizens from hurting each other. Therefore government officials may try to blame their abusive behavior on private groups or individuals.

Several factors make the practice of torture a useful issue for study. The use of torture has been widespread and severe enough to make eliciting state compliance a major challenge. At the same time, governments agree that freedom from torture is a right. While the concept of torture is not without ambiguities, its prohibition is more universally accepted and its definition more common than most human rights. Since World War II, a consensus that there are universal laws against torture has developed; it is a norm that almost all states have acknowledged¹ As John Ruggie (1983, p.99) says:

while there is some disagreement about precise content and more about whether any circumstance justify their violation, the minimal standard here are in fact more clearly understood and widely acknowledged than those for any cluster of rights.

Finally, the norm against torture is specific enough to make measuring compliance a manageable task. Not only is focusing on one specific human rights abuse more feasible than looking

at the whole cluster of rights covered in one of the more general human rights covenants, but torture is easier to identify.

Literature Review

Only in the last several years has there been increased attention to the study of actual compliance with international norms. One of the reasons for the earlier lack of attention is that many international regimes address coordination or assurance problems (Stein, 1982). With such problems, the main challenge is determining the rules. Once states have agreed to these rules, they are better off obeying than violating; individual interest in obeying is sufficient to elicit high levels of compliance from each participant. For regimes dealing with collaboration problems, in contrast, eliciting compliance is more difficult. States have greater incentives to violate the rules of the regime for individual gain. Therefore, only when scholars address this type of situation, where regimes must overcome these incentives, does compliance become an important focus. Analysts of international institutions have recognized the importance of the issue of state compliance to the study of institutions (Jacobson and Weiss, 1990; Sands, 1993). For the study of cooperation to be of lasting interest, research must elucidate the conditions under which cooperation goes beyond merely signing a piece of paper to action.

The problem of promoting compliance with international norms has been addressed at different levels of analysis by different streams of literature. Each has developed a characteristic explanation of compliance. Yet very little of the literature has addressed compliance with international human rights norms.

Scholars have disagreed about whether the characteristics of human rights makes it a hard case or simply an inappropriate subject for regime analysis. A serious challenge to the idea that regime analysis -- which starts from the premise that adherence to explicit norms, particularly when accompanied by participation in formal intergovernmental organizations charged with promoting compliance, significantly increases the likelihood of compliant behavior -- is appropriate for human rights study have been raised by Conway Henderson, who believes that concepts associated with regime analysis such as national interest, international interdependence, hegemony, and regime as an intervening variable "are not conducive to the study of human rights" (1988, p.543). He also pointed out that while the concept of norms is clearly useful to the study of human rights this is a concept that human rights scholars were using long before the beginnings of the regime approach and can continue to use without adopting a regime approach.

John Ruggie (1983), Jack Donnelley (1986) and Nicholas Onuf and Spike Peterson (1984) have argued that the international regime approach can be applied to the issue area of human

rights. Some advocates of the regime approach have argued that there is mutual dependence between states on human rights issues in the form of perceived moral interdependence (e.g. Donnelly, 1986, p. 617; Henderson, 1988, p. 529; Brysk, 1993, p. 266). While Jack Donnelly has argued that value to regime analysis is modest, he sees it as nonetheless significant because:

By forcing us to consider norms, decision-making procedures, and their political context as parts of a more comprehensive structure, regime analysis is particularly conducive to capturing the insights of realism, idealism, and legalism, while avoiding their one-sidedness. Furthermore, it requires us to combine them into a single coherent package (1986, p. 641).

However, until recently, much of the scholarly writing on human rights law has focused on issues other than compliance with human rights norms. The dominant debates have addressed the nature of human rights and the difference between universalist and relativist views. Universalists (Donnelly, 1986, 1989; Forsythe, 1985, 1991; Henkin, 1990; Meron, 1989; Vincent, 1986) defend their belief that there can be a set of human rights principals applied to all societies against those who believe that one can only define a right within a particular culture (e.g. Bernstein, 1992; Pollis and Schwab, 1980; Renteln, 1990). Relativists argue that the United Nation's human rights standards have their roots in the western tradition and that this western conception of rights should not be forced on other cultures. In many ways this debate has been so compelling to some authors that it has

diverted attention from other important issues such as compliance.

Many authors assessing compliance with human rights obligations have drawn on the juridical tradition focusing on international obligations and formal mechanisms to promote or enforce them (Leckie, 1988; Cassesse, 1991; Kamminga, 1992). More recently, there has been some examination of compliance with particular human rights regimes. For instance, Sandra Gubin (1995) has argued that patterns in the Soviet Union's compliance with family reunification and emigration norms indicate the success of the Conference on Security and Cooperation. Yet most scholars interested in compliance with human rights norms are still discussing methods for measuring possible compliance rather than assessing actual compliance.²

Domestic Factors

Several scholars have made a start on assessment by concentrating on state repression, which includes execution, torture, political imprisonment and disappearances (Henderson, 1991, 1993; McKinlay and Cohan, 1975; Mitchell and McCormick 1988; Park, 1987; Poe & Tate, 1994). Four of the domestic factors included in this study, religion, type of regime, income and armed conflict, have been examined in these quantitative studies. The importance of domestic factors in promoting or discouraging compliance with human rights norms has received widespread attention because of the close relation between compliance and basic definitions of the government-population relation (e.g. Park, 1987;

Henderson, 1982,1991; Strouse & Claude, 1976; Robert Jackman, 1973).

Han Park (1987) produced a study arguing that the most important domestic factors are religion, degree of ethnic diversity, and urbanization. He divided human rights into three types; political rights, economic/basic needs rights and social rights. His premise was that "the degree of human rights violations co-varies with certain contextual characteristics of the society (1987, p.405). The first result he reported is a relatively strong positive correlation between political rights and welfare spending, proportion of Christian population, and urbanization. He asserted that ethnic diversity, generally regarded as counter-productive for stability and development, did not show any degree of adverse effect on social well-being. He also found that civil and political liberties were inversely correlated with military and education expenditure as well as percentage of Islamic population. He found the fewest correlations and weakest predictive power with social rights. Only military expenditure showed a slight negative correlation with income equality.

Domestic Political Regime. Many scholars have considered the type of domestic political regime (e.g. Aidoo, 1993; Crone, 1991; Henderson, 1982, 1991). Conway Henderson (1982) and others have found that military governments have lower levels of compliance than civilian ones. Henderson (1991) also finds the more democratic the government, the less the

likelihood that it will repress. These findings are backed up in other major studies (Poe and Tate, 1994; Rummel, 1995). Though it has been consistently shown that democracies have less torture, the context under which they may or may not torture has not been sufficiently explained. The relation between transition to democracy and state repression is even less clear than that between democracy and state repression. Helen Fein (1995) has argued that there are more life integrity violations in states that are in transition than in states that are not democracies. This study, therefore, classifies governments into three types, democratic, non democratic, and in transition to democracy.

Armed Conflict. The relationship between armed conflict and human rights abuse is clearly an important one. This factor has recently been given more attention in the human rights literature. Steven Poe and C. Neal Tate (1994) pointed out that this factor had been neglected in past quantitative studies and found that democracy and participation in civil war have substantively important and statistically significant effects on repression. R.J. Rummel (1995) looked at the effect of armed conflict on democide which is a broader term than genocide indicating "the intentional killing of people by governments" including such things as starving by blockade, assassinations and creating famine. He found that the extent to which a country was involved in war or rebellion along with its form of government best explains democide.

Income. The importance of income has been much debated in the literature with studies showing inconsistent results. Studies have yielded some evidence of a modest relation between level of economic development and repression. Poe and Tate have said that "economic standing is negatively but only rather weakly, related to regimes' propensity to abuse of personal integrity rights" (1994, p. 867). However Rummel, in his examination of democide, found that "there is virtually no relationship" of democide to socioeconomic standing (1995 p.21).

Chayes and Chayes (1993, p.176) have argued that noncompliance often does not reflect a deliberate decision. Compliance with human rights regimes may not have the same magnitude of financial cost as there is with some of the environmental regimes where upgrading technology is often necessary. It may nonetheless be difficult for a less-developed state to comply. Lack of financial resources that other states use to control populations can limit the ability of developing states to comply. One reason often given for the use of physical punishment rather than imprisonment is the lack of facilities to deal with either political or ordinary prisoners. Therefore, complying may involve a financial outlay to improve the penal system. There are also costs involved with training officials and monitoring the police and the military. Some governments may find it difficult to implement the rules of a regime without outside assistance.

Like the general human rights literature, this study does not limit itself to domestic factors. It also looks at the relationship between foreign pressure, membership in international regimes, the activities of human rights organizations and compliance with norms against torture.

Foreign Pressure

Some regime approaches and a substantial portion of the human rights literature have focused on the role of pressure from other governments in eliciting compliance. Several explanations of why peer pressure from other governments would increase compliance have been advanced. First, many commentators have argued that governments react to peer pressure for fear of losing their reputation as a reliable cooperator. Reputation is important in the international arena. The claim here is that a state that is seen as untrustworthy in one area will also be seen as untrustworthy in other issue areas and therefore a state may risk relations with states in these other areas if it does not comply. As Oran Young has written, "A reputation for trustworthiness is one of the most valuable assets that any member of international society can acquire" (1989, p.75). Chayes and Chayes argue that:

A state's reputation for acceptable compliance is thus important to achieving, its aim of being an international player (1991, p.23)

Second, governments may comply with peer pressure to avoid deprivations. While breaking the treaty in retaliation for non compliance is not a viable option for human rights

regimes, there are other sanctions that states can apply. Chayes and Chayes (1991, p.19) have argued that these kind of attempts at enforcement are not important to compliance. Sanctions have been used only infrequently because they are seen as too costly and because when they are used they often fail in practice. Nonetheless, this factor has been considered as potentially important by many scholars concentrating on human rights.

The foreign policy literature has focused on the role of foreign pressure on behavior of target states (Armstrong, 1986; Escude, 1991; Forsythe, 1988). Most of the foreign policy studies of the impact of human rights pressures have been case studies but there have been cross-national studies looking at overall impact. The results have been contradictory (Cingranelli & Pasquarello, 1985; Poe, 1992; McCormick & Mitchell, 1988).

This literature includes a long debate about the effectiveness of foreign pressure. There has been some discussion about what means of encouraging compliance in other states are acceptable with the most contentious issue being the use of foreign aid as leverage against repressive governments. Katerina Tomasevski has argued that human rights issues are not the only reason for conditionality and that conditions put on foreign aid by donor states are often mutually contradictory. For instance, structural adjustment, decreasing public expenditure and 'privatization' may

negatively affect the human rights picture in a state (1993, p. xiii).

International Regimes

Human rights organizations often call for governments to sign human rights conventions. There has not, however, been much attention paid to what role, if any, membership in these conventions have in improving government practice. The regimes against torture have not been studied to any great extent. Peder Van Magee (1992) has examined the Bush administration's policy in regards to the UN convention and Ache Boulesbaa (1990) suggest the "means and interpretations" by which the obligations under article 2 of the UN Convention Against Torture could be attained. The European regime has attracted attention because of its innovations. Malcolm Evans and Morgan Ros (1992) have written on the operational practice of the European Convention. Keightley (1995) has looked at compliance in one state, South Africa, by examining recent developments related to torture and cruel inhuman and degrading treatment or punishment, while James Ron has done an interesting study on changes in the way torture has been practiced in Israel (1997). Antonio Cassesse (1991) evaluated the effectiveness of the existing mechanisms for safeguarding humans and their degree of possible overlap.

Human Rights Organizations

Domestic. This study also explores the role of domestic and international NGOs in international efforts to fight human rights abuse. These organizations have been studied by

many scholars (e.g. Green, 1978; Rodley, 1992; Sikkink, 1993; Welch, 1995) but their impact is still unclear. Some of these studies have been done by area specialists who have analyzed activities in a particular country or area in depth. Latin American human rights organizations, have received the bulk of attention (Alvarez & Escobar, 1992; Brysk 1993, 1994; Garcia-Sayan, 1992; Sikkink 1993). Several studies have focused on the role of women in these organizations (Agosin, 1993; Fabj, 1993; Arditti & Lykes, 1992; Bouvard, 1994; Radcliffe and Westwood, 1993). NGOs in Africa developed later and have only recently been addressed in the literature. Claude Welch (1995) analyzed NGOs in four countries (Ethiopia, Namibia, Nigeria and Senegal) and argued that their efforts can be appreciated in terms of gradual steps with cumulative effects rather than massive leaps. Susan E. Waltz found in a recent examination of NGOs in North Africa that:

domestic human rights groups constitute one important vehicle by which democratizing forces raise a call to change not just the players, but the content of political discourse and the rules of the games as well (1991, p.504).

Besides these regional studies there have been more general surveys of NGO activity. David Weissbrodt (1977, 1981, 1984) has examined their role in fact-finding, implementation and general protection of human rights. Laurie Wiseberg and Harry Scoble (1976, 1979, 1981) have addressed, both as scholars and as NGO officials, the role of NGOs in human rights struggles. Hans Thoolen and Berth Verstappen pointed

out the importance of NGOs to Intergovernmental Organizations' fact-finding, saying "Almost invariably the direct or indirect sources of such allegations are the non-governmental organizations..." (1986, p. vii).

Transnational Links. Many domestic human rights organizations develop transnational links to increase their effectiveness. A growing number of international relations scholars looking at human rights have begun to focus on the role of INGOs and other transnational actors because they believe it is necessary to employ a non state-centric approach in order to understand human rights regimes. Anne Marie Clark has argued in her study of the influence of NGOs that they should be classified "as new international actors that represent non-state interests (1995, p. 509)." These scholars have paid greater attention to policy networks operating simultaneously at the intergovernmental, transnational, and domestic level where activist attempt to obtain greater governmental respect for both human rights and the environment. Kathryn Sikkink (1993) sees NGOs, global and regional intergovernmental organizations(IGOs) and private foundations as international issue-networks driven by shared values or principled ideas rather than causal ideas or instrumental goals. Much of the literature examining the importance of NGOs and other non state actors has concentrated on the way these groups affected the negotiating process or the creation of norms but some recent studies have focused on improvement in compliance. They argue that

sometimes alone, but more often now in conjunction with domestic NGOs, INGOs that focus on human rights can affect target governments in two ways. First, they can work within countries to influence the government by direct lobbying or mobilizing the local population on human rights issues. Second, they can operate from outside countries by drawing international attention to a particular government's policies.

Sikkink has argued that foreign government pressure and domestic political pressure cannot by themselves explain human rights improvements in Argentina because "foreign governments placed pressure on human rights violators only after non governmental actors had identified, documented, and denounced human rights violations and had pressured foreign governments to become involved" (1993, p. 436). Alison Brysk (1993) has also examined the relationship between civil society and the state as mediated by the international system using Argentina as a case study. These studies have emphasized improvements in certain states. Unfortunately, it is not clear from these studies whether the cases of improvement are representative of a larger cluster of states or are exceptional cases.

Sikkink has argued not only that transnational non-state actors are important in the struggle against human rights abuse but that this process is helping to transform sovereignty (Sikkink, 1993). In order to really understand the impact that the human rights movement has had on state

sovereignty, we need to know the extent to which human rights norms themselves are relevant and what overall impact there is on actual state practice. These authors have not, for the most part, addressed the issue of how much improvement in behavior there has been in the period since these norms have been accepted. In part this results from their contention that changes in the practices of repressive states is not the only or most important way to measure the impact of non-state actors. Alison Brysk argues that "most studies measure outcome of international pressure in very narrow terms as an immediate and acknowledged shift in state repressive practices" (1993, p. 273).

Interaction of Factors

Two scholars have recently examined specific changes in state behavior outside of Latin America as a result of international norms. In her article on Soviet compliance with CSCE human rights norms, Sandra Gubin (1995) has argued that both realist and regime analysis are lacking. She employed transnational agenda setting which:

...employs a more systematic examination of the interaction of international and domestic factors in order to determine the circumstances under which international norms may or may not, have an impact on the behavior of states. It focuses not on the existence of institutions, principles or norms but on a process by which transnational actors including interesting groups, NGOs and international organizations which seek to influence the agenda and the degree to which states are able to exhort or resist pressure to comply with international norms (p. 279).

James Ron looked at different levels of analysis in order to understand "complex interactions among the international system, the repressive state, and the repressed population" in Israel (1997, p.276). He did not examine how compliance increased but how noncompliance in Israel has changed. He argued that government officials began to use torture that did not leave scars, that infliction was standardized, and that these actions were acknowledged and portrayed in public as humane. He argued that the Israeli changes illustrate that global forces are pushing at least some states to alter their sanctioned violence practices toward a worldwide norm of legitimacy.

However, many studies are still limited by the fact that they tend to focus on one level of analysis without considering factors operating simultaneously at others. As awareness of the connections among phenomena at the international, the transnational, and the domestic levels grows, it becomes more obvious that a full understanding of government compliance with international norms requires taking all three levels into account simultaneously.

¹For a discussion questioning the universality of pain see Asad(1996) He underscores "the unstable character" of the ideas of torture, cruelty, inhumanity, and degrading treatment(1082).

²See, for example, Robertson's discussion of the problem of measuring state compliance with resource allocation obligations

CHAPTER 2

QUALITATIVE COMPARATIVE ANALYSIS

A deeper understanding of state compliance with international norms requires a multilevel understanding of how different combinations of factors influence government behavior. This is best done not through traditional statistical analysis of variance but through a configurative approach looking at different clusters of factors viewed as distinct contexts. This study compares configurations of factors using the Qualitative Comparative Approach (QCA), a causal comparative methodology developed by Charles Ragin. This method uses Boolean algebra to formalize a variation of the logic of agreement and difference.

QCA provides a third way between case studies and statistical studies. Lack of a sufficient number of cases limits the use of statistics in many studies. QCA allows for the systematic study of fewer cases than statistical analysis and yet is not as limited to a very small numbers of cases as is the case-oriented approach. This flexibility is necessary in the segment of this study comparing the relatively small number of improvers to a group of democracies that did not improve.

Even when there are sufficient numbers, using techniques of statistical analysis does not allow researchers to pay sufficient attention to context. QCA, however, does so by

allowing researchers to examine combinations of characteristics. With this method each factor is not taken out of context but is analyzed in conjunction with the presence or absence of other conditions. It is possible to see domestic, transnational and international factors as they interrelate rather than simply as a list of variables. This is important in a study intended to understand not only whether certain factors, like the presence of NGOs, are important but also the circumstances under which they are important. QCA can also capture the heterogeneity of reasons why states comply with international norms against torture because it allows researchers to deal with more than one distinct combination of factors that yield similar outcomes.

QCA does not require the same simplifying assumptions that statistical studies do. Griffen et. al.(1991) point out that while it is possible to use statistical analysis holistically by using log-linear analysis and logit and probit regression:

.. the logistical problem of incorporating and assessing causal configurations statistically-multicollinearity and shrinking degrees of freedom induced by the addition of "too" many interaction terms,- are often in practice insurmountable (p. 113).

Truth Table Reduction

In the QCA approach each case is treated as a combination of conditions. Thus, the first step is to identify and tabulate the outcome and the presence or absence of the conditions identified as influencing the outcome in each case. This information is then arrayed in a preliminary

table laying out the particulars of each case. To use an abbreviated example, states are coded for the presence or absence of democracy, internal armed conflict, and membership in a regime against torture. So countries where there is the presence of democracy, the absence of conflict, the presence of membership, and a negative outcome are coded 101=0.

The resulting data provides the material for a truth table. Each combination of factors observed in one or more cases becomes a row of the truth table; the first columns of the truth table are each factor, the last column is the outcome given in the last row. The possible results of a given configuration of factors are: a) all cases with that combination of factors lead to the same outcome (either all cases are positive or all negative) and b) different cases with the same combination of factors lead to different outcomes. If all cases with that combination have a positive outcome, the outcome for that combination is 1; if each has a negative, then the outcome is 0. If some cases have a positive outcome and others a negative, the combination is listed on the table as C for contradictory.

Assuming for the moment that all outcomes are consistent the following steps are taken to create a minimal solution. The truth table laying out the combinations produced by each case is analyzed systematically through a series of reductions to produce equations for either a positive or a negative outcome. In the first reduction, unnecessary factors are removed from the configuration. If two

configurations have the same outcome yet differ only on the presence or absence of a single condition, that factor cannot be decisive in producing the outcome and can logically be dropped. For instance, if the configurations 110 and 111, produce the same outcome, then the last factor is regarded as irrelevant and is eliminated. The two configurations therefore become a single configuration, 11, with one less factor. This new configuration is called an implicant of the two configurations because it logically implies each. Then the process is repeated with the reduced combinations combined in the same manner until there are no more possibilities for reduction. The configurations that remain at the end of this process are called prime implicants. They imply all of the configurations that were selected for minimization from the truth table.

A second stage of reduction is involved because there are often more prime implicants than are needed to cover all the original primitive expressions. In this reduction, a prime implicant chart is created and then simplified. The prime implicant chart shows the relationship between the prime implicants and the original configurations from the truth table. This chart is simplified by applying two rules. First, all configurations must be implied by at least one prime implicant in the solution. Second, all redundant prime implicants must be removed. The prime implicant chart is used to see which prime implicants are covering a subset of the configurations that are already implied by another prime

implicant. This process permits identifying the minimum solution containing the least number of implicants that cover all the configurations in the Boolean equation. For the complex charts used in this study computer algorithms were used. The minimization was done with Qualitative Comparative Analysis, QCA 3.0 using the Quine-McCluskey Algorithm (Drass, 1994), a program specifically designed to analyze data using Ragin's approach.

As mentioned above, it is possible that some configurations yield contradictory outcomes. Because Boolean analysis requires that each configuration have only one outcome, the researcher has to decide how to treat combinations that do not exhibit consistent outcomes. Whenever there are configurations of factors that include one or more cases with a positive outcome and one or more with a negative outcome, they cannot automatically be assigned a 0 or a 1. In the initial truth table these are shown by using a C for contradiction, but deriving equations requires deciding how to treat the configuration. There are three possible choices. The first is to code all contradictory combinations as having positive outcomes. The logic here is that because some cases with this combination of factors have a positive outcome they should all be coded in this way in order to capture every instance of a positive outcome. The second option is to code all contradictory combinations as having negative outcomes on the grounds that a combination should only be coded as positive if all cases with that combination

of factors are positive. The third option is to use algorithms to choose a negative or positive outcome depending on which produces the most logically minimal alternative.

I follow a two-fold approach to the identification of the circumstances under which either a positive or a negative outcome can be expected. I produce two alternate sets of minimal solutions for each type of outcome. Thus, I first analyze conditions yielding positive outcomes by including only those configurations having a consistently positive outcome. I then gain a sense of how far this approach might understate possibilities by also treating all of the contradictory configurations as positive. Similarly, I first analyze conditions yielding negative outcomes, then check the degree of likely understatement by treating all contradictory configurations as negative. The latter analyses, by including a larger number of configurations, allow for checking whether the more limited pools of consistent configurations, miss anything significant.

This did not seem appropriate for the more focused comparisons of improving and non-improving governments in chapters four and five. Here there is only one contradictory configurations, so the problem is less pressing. More importantly, erring in the direction of modest conclusions seems particularly important in an analysis seeking to discern what conditions separate improvers and non-improvers in democratic or transitional states.

A decision must also be made about how to treat configurations that are logically possible but do not actually exist in the cases analyzed. One can include them in the reduction of configurations in the same way as described with the contradictory configurations; that is, one can choose the outcome for these configurations based on which would make the equation most simple. Analysts do this as one way to keep the limited diversity of their cases from inhibiting production of the most reduced equation. Logical configurations are not used to further reduce the equations in this study because accuracy is more important to understanding the complexities of government behavior than greater simplicity.

Though the frequency of each combination is not as important an issue in QCA as it is in statistical studies, this does not mean that frequency is irrelevant. Having only one case in a configuration is a problem because there is no way to determine whether contradictions would occur if there were more cases. Therefore, in this study, configurations that had only one case are treated as contradictory. Thus they are used only in equations that include contradictory outcomes.

As stated above, QCA was designed as a method of causal analysis. However, my intention in this study is not to arrive at causal inferences. There are still few cases of improvement and thus very few different combinations of factors. While QCA can address small numbers of cases, it

can be insufficiently reductionist if one is not willing to use logical as well as actual combinations to make simplifying assumptions. Factors that are not relevant may not drop out of the equations as insignificant. Since my purpose is hypothesis testing and refinement, I regard it as more important to indicate regularities in patterns of outcomes as various patterns of state characteristics vary in an effort to identify situations when efforts to end torture could have some potential for success. By comparing actual contexts in which torture did not decrease to those where it did, I eliminate some factors that could not have had any impact and indicate the circumstances where others factors may have been important.

Coding

As with statistical analysis, use of QCA requires distinguishing compliance from noncompliance and the presence or absence of each of the various factors hypothesized as promoting or inhibiting compliance. Thus users of QCA face the same issues of operationalization as users of statistical methods.

Outcome

The first task was to code for the outcome, compliance with international norms against torture. This task is simplified by greater consensus about how to define torture than about many other human rights concepts. The definition established in Article 1 of the UN Convention Against Torture specifies that torture includes:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or from a third person information or a confession, punishing him for any act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions (General Assembly Resolution 39/46).

This study, unlike many of the quantitative studies of human rights abuse, did not examine repression of civil liberties or violations of personal integrity generally; it focuses on one particular violation of personal integrity: torture. This adopts James M McCormick's and Neil J. Mitchell's argument that the components of personal integrity rights should be analyzed separately to avoid information loss and missed analytical opportunities (1997, p. 511).

Both imprisonment and torture are methods of political control that are important in themselves, and research efforts ought to be geared to maximizing information gains about both of these activities. Using separate indices seems a more appropriate means for moving in that direction (1997, p.525).

This also study does not cover cruel, inhuman and degrading treatment or punishment short of torture even though many international conventions cover this as well as torture. Cruel and degrading treatment is worthy of study, but should be appraised separately. While there is some controversy over what constitutes torture, it is less extensive than what

prevails regarding the definition of degrading treatment or punishment. The United Nations Convention Against Torture (UNCAT) does not give a specific definition of what constitutes cruel, inhuman and degrading treatment that is short of torture¹.

Even with the relatively clear definition of what constitutes torture, there are serious difficulties in measuring compliance with the regimes against torture. The methodological issues raised by such endeavors have been discussed extensively in the human rights literature (e.g. Barsh, 1993; Claude, 1976; Jabine & Claude, 1992; McNitt, 1986; Nanda, Scarritt, & Shepherd, 1981). For example, essays in Ved Nanda et al.'s book, *Global Human Rights* (1981) addressed problems of definition and critiqued measures of human rights development. Richard Claude has done important work in this area with his study *Comparative Human Rights* (1976).

One difficulty is categorizing the compliance of states without being able to observe directly. Torture is particularly hard to document (Forrest, 1996, p. 167). Even when a government wants the population or at least certain segments of it to be aware and afraid of the practice, it does not want the exact incidence of torture documented or reported. External observers cannot report fully on torture in detention centers and the more repressive governments tend to be the best at hiding the extent of abuse. As NGOs and others have become more sophisticated about discovering and

documenting the abuses, many governments have become more sophisticated in the practice of torture. Many methods now employed leave no or very ambiguous physical traces. The only evidence is the testimonies of survivors and witnesses who are often too terrorized by the process to serve as sources for those making accusations of torture. However, the upsurge in NGOs and monitoring by international organizations mean that more information is now available in reports on individual countries and regions and in several cross-national reports.

This study relied primarily on the annual cross-national reports published by the State Department and Amnesty International to assess the level of torture. These sources are the only ones that can provide information on most states for every year from 1979 to 1993. While Freedom House was reporting in 1979, it did not provide sufficient information on torture. Human Rights Watch only reports on the situation in selected states.

Both reports present their own particular difficulties for creating cross-national comparisons. Assessing the extent of torture by relying only on Amnesty reports is difficult because Amnesty International does not divide its reports into sections addressing different human rights. Amnesty International often assess the more general repression and does not address a particular right every year. When the issue of torture is not mentioned, it is sometimes unclear

whether this means there was no torture or the report just did not address it that year.

The State Department reports are divided into sections covering particular rights so do permit more direct comparison. However, they are also problematic. Sometimes these reports do not convey a separate assessment but simply restate the Amnesty International report. While a partial explanation could be that the State Department relies on or is in total agreement with Amnesty, one instead gets the impression that often the human rights situation was not very high on the US agenda in relations with that country, and the US embassy there did not bother to check. When this happens one does not really have two independent sources.

Some of the differences between State Department and Amnesty International reports are minor and some seem to be caused by differences in emphasis rather than serious differences in opinion or belief. Others, however, are more likely political. The reports of other NGOs were used in an attempt to reconcile these sorts of differences. Human Rights Watch and Freedom House are particularly useful because these organizations are generally regarded as being on different ends of the NGO political spectrum. However, Human Rights Watch is not available for all years and only highlights some countries.

A second issue when coding states for compliance is deciding how much torture disqualifies a state from being considered "in compliance". Norms against torture are the

type of norm inspiring demands for "zero tolerance". This requirement would, however, make it so difficult for a state to be considered complying that almost all states would have to be considered in violation of conventions.

Coding Levels of Torture. It is not possible to assign quantitative measures to levels of torture. The State Department and Amnesty International reports rarely give numbers of victims or percentages although they will, in some cases, quote statistics gathered from national governments or independent human rights organizations. In most cases, given available information, it would be irresponsible to estimate. Thus, states were coded into places where torture was practiced: a) never or occasionally, b) sometimes, or c) frequently and systematically. Three categories, rather than two, were used because I wanted to distinguish the very worst from the rest.

Some cross-national studies examining personal integrity rights have used five categories based on a scale created by Raymond Gastil (1980) for Freedom in the World reports (Mitchell and McCormick, 1988; Poe and Sirirangsi, 1993, 1994). However, in my view it really is not possible to use more categories to distinguish levels of torture for a study examining so many states. The main reports, by Amnesty International, the US State Department and Freedom House give only general comments about torture. Amnesty International sometimes is more specific, but usually only reports trends

and highlights specific cases. The Freedom House scale does not distinguish particular rights of personal integrity.

Governments are reported as torturing never or occasionally when the sources reported "no torture", "isolated incidents of torture", "rare cases" or "occasional cases" of torture. Governments which torture occasionally are grouped with those that do not practice torture for two reasons. Firstly, current methods of gathering information cannot reliably distinguish between the two because of difficulties in getting accurate and specific information. Secondly, a government can produce occasional cases of torture and yet still be considered as complying since in those cases torture does not appear to be a normal part of official routine. The military and the police may be acting on their own. It is true that governments sometimes claim this is the case even when torture is a part of government policy. Such a claim is not credible when there are even moderate levels of torture, but is plausible when there are only scattered cases, difficult as this is to accept when contemplating human suffering as direct and extreme as that inflicted by any instance of torture.

States that were described by more than one source as practicing torture "frequently" or where torture was reported as being "widespread and systematic", or "endemic" are coded in this category. It is important to note that only the worst offenders are coded as having frequent and systematic torture.

Governments are coded as torturing sometimes when the sources report the occurrence of torture as more than occasional but less than frequent. This coding leaves a wide range of state behavior in the middle category. However, this is the best that can be done. The limitations of the data sources do not allow distinguishing levels of torture within the group of states that sometimes practice torture. The nature of the reports being used means that only those states that almost consistently comply with norms against torture and those that are the absolute worst offenders can be distinguished reliably from the rest. Trying to narrow the boundaries of "sometimes" would lead to greater inaccuracies.

Coding for Improvement. In addition to coding each state for compliance in 1993, states were coded for compliance in each year from 1979 to 1993 to see whether and how much government levels of torture had changed in that period. All states included in the study of behavior in 1993 with the exception of countries that just gained independence in the last few years or those for which information was only available in later years were examined. Here contemporaneous information could be supplemented with information that became available in later years. If a report presented new information on past torture this was used to decide whether a state had increased or decreased compliance.

The year 1979 was chosen as the starting point because it is the first year that enough information was available to

judge the level of compliance in most states with any degree of accuracy. Though the State Department and Amnesty International were already reporting in 1975, they covered a relatively small number of countries and those included were not discussed in any comprehensive way. By 1979, the reports were far more complete. Secondary sources could not be used to push the data collection back further because they included information on a few states, such as Bolivia or Chile, but not on most states.

In chapters four and five, the states where the level of compliance improved were compared to other democracies and transitional states that continued to torture at high levels. Increased compliance with international norms was the positive outcome; lack of improvement, -- whether a steady level of non compliance or an actual decline in compliance -- was the negative outcome.

My ability to determine whether states increased their level of torture was affected by changes in the quality of human rights reports discussed above. Most of these reports became more detailed and more accurate over the time studied. This meant that for some countries there would be more discussion of torture than in previous years, even if the government was not actually practicing more torture. It was not always just a matter of the amount of information discussed but the slanting of information. The level of reporting in the State Department reports has not always been consistent. Under the Reagan administration, they were

widely thought to be politically motivated and came under heavy criticism from NGOs.² There was a change beginning in the last years of the Reagan Administration with a greater attempt at non-partisan reporting and these reports are now viewed by most human rights activists and scholars as much more reliable. This means that some changes appearing in State Department reports are likely to be a result of more accurate reporting rather than of changes in state behavior (Prokosch, 1996, p. 34).

It was therefore necessary to determine that perceived increases were not due only to greater transparency, more careful reporting, increased NGO resources and improvements in State Department reports. I did this in two ways. First, I coded an increase only when more than one source reported an increase in the amount of torture practiced. Second, I coded a state as getting worse only when the reports actually said that the government increased its torture as compared to earlier years not simply because torture was mentioned when it had not been before.

This study does not analyze all increases or decreases, but only sustained shifts between categories. For instance, there was a period from 1979 to 1990 when Chile decreased the numbers tortured rather significantly but still practiced enough torture to be categorized as "frequent and systematic." Many states fluctuate within the category of "sometimes" because it is such a broad category. Unsustained

shifts between categories are ignored: states that improved but then reverted to earlier levels are not included.

Coding decreases in torture also poses some problems. There is still insufficient information to know how much torture was practiced in some states during the years 1979 to 1993. It is not entirely clear how much torture was practiced before the end of the Marxist-Leninist regimes in the former Soviet Union and Eastern Europe and therefore whether there was decline afterward. In some states, like Romania, there are now more reports of brutality, particularly against gypsies, but these reports may be accounted for by greater openness in the society. The State Department and Amnesty International yearly reports on which I primarily relied did not present sufficient information on torture in these states, to allow coding these state as having higher or lower levels of compliance.

It is also likely that several more states made improvements in compliance that were not great enough to be tracked in this study. Smaller changes occur in most states that torture from year to year without signifying any real change in government policy. Even with the more accurate reports that emerged in the eighties, this study can only assess rather large scale change. While one may be able to pinpoint smaller change in some states, it cannot be done consistently across states with the necessary accuracy.

The most significant absence from the list of improvers is those governments that made fairly significant reductions in

their level of torture but not enough to remove them from the worst category of torturers. A government that has been torturing at extremely high levels can torture many fewer people and still be doing it frequently and systematically. Several Latin American governments fall into this category in the late seventies and eighties, so are not included as improving compliance. I do not include them as "improvers" because I am interested in governments that are moving towards compliance, not governments like the Guatemalan and Brazilian which simply came back from the very worst but have not come anywhere near acceptable levels of compliance. Making this distinction is important because one of the interesting questions raised by preliminary research is why the practice of torture still continues in some states where there was increased respect for political rights and a decline in mass killing and disappearance.

"Improvers" also do not include governments that failed to sustain improved compliance. If a government went back to torturing at the same level or even a higher level than it had during the peak of abuse, it was excluded. For instance, the practice of torture declined in Cameroon from 1984 to 1988 but then became worse than it had been before. This is different than Argentina where torture increased from its lowest point but stayed well below its peaks in the seventies. While all states are vulnerable to return and may at some later point have another cycle of violence it is important in order to avoid coding states with inconsistent

records as improvers. I am interested in states that maintained at least some level of improvement during the years of this study.

Conditions

Cross-national. Using QCA analysis also requires identifying conditions relevant to outcomes. I have coded for eight factors identified in the international regimes and human rights literatures as possible influences state compliance. The data used to code the independent variables was based on an examination of government documents, reports of intergovernmental human rights committees and commissions, newspaper accounts and reports by NGOs.

These factors are:

1. A state's membership or non-membership in one of the regional regimes against torture, the universal regime against torture or both. This is shown by ratification or accession to the relevant treaty or treaties.
2. The level of prosperity. States that are classified by the World Bank in the *World Development Report* as Low-income or Lower-middle-income were coded as Low-income. Those that are upper-middle-income or high-income were coded as high income. The World Bank uses GNP per capita to classify states in these categories. The GNP per capita cutoff levels for 1993 were for low income economies GNP per capita of \$695 or less. Middle income economies were those of more than \$695 but less than \$8,626. A division of \$2,785 was made

between lower-middle income and upper middle income economies. High income economies were those of \$8,626 or more (World Bank, 1995 pp. viii-ix). Therefore in this study the cut off between high and low income states is \$2,785.

3 & 4. Major or minor armed conflict. States are categorized using US State Department and NGO Reports. The more severe category includes conflicts where the conflict is described as civil war, serious guerrilla warfare, large scale or extensive insurgency. Minor armed conflict is conflict described as sporadic guerrilla warfare and terrorism, even if a few of the terrorists attacks take a large number of lives and sporadic or low-level fighting or clashes. Not all violence is taken into account in coding for this factor however. One-sided violence by the government or their agents against the population is considered political repression rather than armed conflict. Large numbers of murders and a society of violence, as in Brazil, may cause many deaths but does not constitute armed conflict.

5. The presence of a multi-party democratic system. States that have experienced two successive changes of leadership by multi-party elections are coded as having the presence of this factor. Though this may seem a narrow measurement of democracy, it is better than others for the purposes of this study. Using constitutional arrangements or other formal criteria can result in states with authoritarian behavior being coded as democratic. However, many of the substantive criteria of democracy are themselves measuring human rights

and can lead to conceptual circularity. If one includes measurements of freedom of speech and association and other political rights as part of the definition of democracy then one will end up saying of course democracy is necessary for respect of rights because democracy is respect of rights and respect of rights is democracy. As I am interested in whether a particular form of government is more conducive to human rights, I decided to simply code those states that have multiparty systems and successful elections as states with functioning democracies. The presence or absence of multiparty democracy will be coded using US State Department reports and the Freedom House reports.

6. The existence of a military regime. This factor was based on the categorization of *Freedom House Reports* and the *State Department Reports*.

7. Whether the government is transitional. This category contains states that have taken steps toward a democratic system but have not yet proven themselves to be fully democratic. In this category is any state that has had one democratic election. Also included are states that are even earlier in the process, those that have just legalized opposition parties and have scheduled elections. Therefore, states may be coded as having a military regime as well. States that have set up transitional governments such as Ethiopia are also included.

8. Presence of state-sponsored religion. This factor was based on the categorization of the *Statesman's Yearbook*.

States are coded as having state-sponsored religion if one religion is recognized by law as the state religion or if one religion only is funded by the state.

Additional Factors. After identifying states experiencing torture, I examined whether any of the potential factors had changed by coding all factors year by year from 1979 to 1993. In this way it was also possible to see how long a time elapsed between creation of active human rights organizations, establishment of transnational links, or initiation of foreign pressure and the improvement in compliance. When improvement happened in the earlier part of the period covered it was necessary to go back to information before 1979 to find out when these changes occurred.

In addition to the presence or absence of armed conflict, and membership in a regime the following factors were addressed in the more detailed analysis in the latter part of this study:

1. The influence of pressure from foreign governments measured in terms of sanctions made by high-level foreign officials directly linked to human rights abuse.

Distinguishing between passing rhetoric and genuine pressure is necessary when coding for foreign pressure. States were coded as recipients of foreign pressure when other states' actions were undertaken with or after a clear message that the reason was human rights abuse and not other political reasons. However, distinguishing between situations where

human rights concerns are genuine and those when they are used as camouflage for other political goals and motivations is not always possible. Foreign pressure against any human rights abuse is considered in this study not just those that have to do with torture because governments usually express concern about the repressive practices of a regime in general rather than focusing on particular types of abuse.

2. The impact of human rights NGOs operating within the state. Sources define human rights NGOs differently. I first had to decide what groups and organizations would be considered human rights NGOs. Wiseberg (1991, p 529) defines a human rights NGO as "a private association which devotes significant resources to the promotion and protection of human rights, which is independent of both governmental and political groups that seek direct political power, and which does not itself seek such power" Though analytically clear, there are difficulties in applying this definition. The first is establishing whether an organization is truly independent from the government. States have been known to create organizations to discredit truly independent ones and in some cases have even give their puppet organization the same name as the independent one it had previously closed down (Wiseberg, 1991, p. 529). The second is in separating political groups from human rights NGOs. Eliminating political groups as human rights NGOs is made possible because other NGOs usually are able to publicize these actions.

There is also the related difficulty of deciding how broadly to define human rights organizations. As the human rights movement has grown, the number of organizations seeking to use this title has increased as well. Some of these groups focus primarily on other issues, such as consumer protection, the environment or economic development. In some instances these groups argue that there is a right to a clean environment or to development. Others are interested in human rights as a specific part of their activities because their struggles cannot be engaged well unless the government is respecting their rights. At a human rights retreat sponsored by Harvard Law School's Human Rights Program, many participants expressed that "self-perception and self-definition by NGOs constitute the only sensible method of identifying human rights organizations" (Steiner, 1991, p. 7). Others felt however that human rights organizations should have clearly defined mandates based on commonly accepted human rights norms. In this study, labor organizations and groups promoting the interests of a particular ethnic group are not considered to be human rights NGOs.³ Groups that base their actions on domestic law rather than international norms are also considered human rights organizations, which means that civil rights organizations are included. The factors examined to determine the level of NGO activity were organized protests, publication or consultation with government or transnational organizations. Most of this information came from NGO sources; Human Rights

Internet's Human Rights Directories and the *HRI Reporter*, Amnesty International and Human Rights Watch.

3. Whether there are significant connections to the international human rights community, transnational links between the local human rights NGOs and international organizations, or human rights INGOs. When coding this, I looked for more than just the existence of local branches of INGOs like Amnesty International. Almost all states have received attention from INGOs, like Amnesty International or Human Rights Watch. However, only those states where local human rights groups actively pursued relations with transnational actors, had their work published or disseminated abroad, had overseas training or received funds were coded as having transnational links. As with domestic factors, the information comes primarily from NGO reports with particular reliance on Human Rights Internet reports.

¹Cassese addresses this in a chapter "What is Human, Inhuman or Degrading" in Inhuman States. He argues that it is more difficult to discover 'inhuman' or 'degrading' situations for two reasons: 1)"...unlike torture, which takes the form of single acts against an individual, these situations are the result of numerous acts and circumstances combined" 2)"the intent to humiliate, offend or debase the victim is almost always absent"(Cassese 1996 p.48).

²For example, see "*In the Face of Cruelty*": The Reagan administration's human rights record p. 8

³For a more in depth discussion of the definition and mandates of human rights organizations NGOs see Steiner(1991) and Wiseberg(1991)

CHAPTER 3

COMPLIANCE IN 1993

This chapter presents a broad survey of the conditions present in 179 states during 1993. In this part of the study the factors used in the analysis are: major armed conflict, minor armed conflict, presence of state religion, democracy, membership in a regional and/or universal convention against torture, state income, military government and government transition.

The first section of this chapter presents the record of state compliance in 1993. This survey shows that the record of compliance with international norms against torture in this year is a weak one. The second section presents the first three truth tables, one for the world, one for the Americas and the other for Europe, which contain only major armed conflict, minor armed conflict, democracy, and income. These tables are presented to demonstrate that these important factors do not alone distinguish governments that torture from those that do not and thus to make apparent that they are not sufficient to explain government behavior.

The third section presents truth tables containing the longer list of factors and discusses their ability to explain government behavior. It demonstrates, with this second set of truth tables, that the additional factors of state religion, international regime memberships, and state income also did

not distinguish between states that complied and those that did not. This section contains five truth tables, one for the world and two for each of the regions. Section four presents a discussion of the equations that can be derived from the second set of tables and which demonstrate the conditions under which compliance occurred or failed to occur.

The survey does bear out the view that internal conflict raises the likelihood of torture. All the governments faced with major armed rebellion used torture at the middle and high levels. While it substantiates the widespread claim that a democratic form of government or movement towards democracy and the absence of internal armed conflict are associated with compliance with international norms against torture, it makes clear that compliance is not always achieved when there is a combination of democracy and lack of such conflict. In twenty-one countries, the government used torture more than occasionally even though the country was not experiencing internal armed conflict and had a democratic political system. While consistency in outcome may be achieved by looking at other factors and thereby capturing the complexity of government behavior, this is only feasible when looking at a smaller number of states.

State Compliance in 1993

Despite the amount of attention given to human rights issues and the international efforts to pressure governments into ending torture, the majority of governments still

practiced torture in 1993. In most of the states where governments practiced torture, the level was in the middle category but a significant number of governments practiced it frequently. Of the 179 states coded for compliance in the year 1993, 76 were coded as never or occasionally torturing, 67 were coded as torturing sometimes torturing and 36 were coded as widely torturing.

This situation was not an improvement over behavior in 1979. In the period from 1979 to 1993, there was no world-wide reduction in the level of torture practiced by governments. Even more disturbing is the number of governments that increased the amount of torture they practice; at least 15 states were marked by an increase in the amount of torture practiced: Algeria, Brazil, Burma, Burundi, Cameroon, Ecuador, Equatorial Guinea, Kuwait, Liberia, Mauritania, Nigeria, Papua New Guinea, Rwanda, Sudan and Venezuela. In nine of these the government was practicing torture frequently by 1993.

While there were large differences in the number of torture victims from year to year in the worst violators, in all of them the practice remained widespread and systematic. Despite the efforts of the international human rights movement, torture was still being practiced widely and systematically in Afghanistan, Bangladesh, Burma, Cameroon, Chad, China, Colombia, Egypt, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Libya, Mexico,

Pakistan, Peru, South Africa, Syria, Tunisia, Sri Lanka, Turkey and Zaire throughout the period studied.

In eight states -- Argentina, Bolivia, Benin, Chile, Ethiopia, The Philippines, Suriname and Uruguay -- the government improved its compliance with norms against torture. More governments improved some other aspect of their human rights practice without coming into greater compliance with norms against torture. If smaller improvements in compliance were taken into account, many more states, particularly in Latin America, would be included as improving. States where the improvement was temporary or for which there was not enough information available to track torture in this period were also excluded from the list of improvers.

The finding that the number of torturing governments has not declined is similar to that of Eric Prokosch (1996). He compared the information in the country entries of Amnesty International's *Report on Torture* covering the four and half years from 1970 to mid 1974, *Torture in the Eighties* covering from 1980 to mid 1983, and the *Amnesty International Report 1994* covering the year 1993 in order to ascertain the trend in torture worldwide. He notes a substantial increase in the number of countries from which Amnesty International received reports of torture but notes that is was due in part to greater research. He found fourteen countries where torture now appears to be serious but was not before (p. 32). His reading is however that the number of states where torture is

serious may have remained approximately the same. He argues that although "it is not possible on the basis of the facts available to say that the geographical extent of torture has widened since 1970, it is safe to say at the very least it is not decreasing (p. 33)."

Preliminary Truth Tables

The first three truth tables(3.1-3.3) explore the major factors that have been most consistently advanced as influencing the level of torture in the human rights literature. These truth tables demonstrate that, while where there is major armed conflict there is no compliance, minor armed conflict by itself or in combination with type of domestic regime is not sufficient to explain state behavior. Nor does type of government and conflict in combination with income discriminate well between states where the government complies with international norms against torture and where it does not. The weakness of explanatory power is further indicated by the fact that these configurations do not have only one or two deviant cases; they show a fairly even split between states with positive outcomes and those with negative.

In truth table 3.1 there are seven negative, seven contradictory and no positive configurations. Because there is not one configuration with a positive outcome, this table cannot lead to equations telling what configuration of factors leads to compliance. While there are clear patterns of configurations where there are negative outcomes, 142

Table 3.1
Conflict, Government Type and Income, Global

TRUTH TABLE SUMMARY

(0)Configurations with negative outcomes (torture)	7
(1)Configurations with positive outcomes (compliance)	0
(C)Configurations with contradictory outcomes	7

Variable Names by Column

MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
DEMOCRACY	- DE
HIGH INCOME	- HI
TRANSITION	- TR
COMPLIANCE	- CO

MA	MI	DE	HI	TR	CO	0 Cases		1 Cases	
						Freq	Pct	Freq	Pct
1	0	0	0	0	0	11	100	0	0
1	0	0	0	1	0	6	100	0	0
0	0	0	0	1	C	17	47	19	53
0	0	1	0	0	C	9	43	12	57
0	0	0	0	0	C	13	68	6	32
0	1	0	0	0	C	8	80	2	20
0	0	1	1	0	C	11	29	27	71
0	0	0	1	1	C	1	23	2	67
0	0	0	1	0	C	6	43	8	57
0	1	1	0	0	0	3	100	0	0
0	1	0	0	1	0	6	100	0	0
1	0	1	0	0	0	6	100	0	0
0	1	1	1	0	0	3	100	0	0
0	1	0	1	0	0	1	100	0	0

For country names see appendix

states are in contradictory configurations. Not only are they in contradiction but they do not for the most part even show trends. Several of the percentages in the column for positive outcome are in the fifty percent range.

Truth table 3.2 which only contains European states, demonstrates, as in the world wide, that the shortened list of factors does not distinguish well between noncompliance and compliance although it does distinguish more clearly here than in the American or the World table.

In truth table 3.2, there is one configuration with a positive outcome, covering two states, and there are clear tendencies among the contradictory configurations. In the European region, looking at only basic factors, there are six negative, one positive and three contradictory configurations. The negative configurations hold eight states, the positive only two and the contradictory thirty. Because there is only one configuration with a positive outcome, a reduction process to eliminate irrelevant factors cannot be done. So while in this case there is a configuration that can be presented as an equation, it represents only two states.

In the American region, table 3.3, the shorter list of factors cannot distinguish between states that comply and those that do not. The truth table looking at only five factors is even less useful than Europe's. No equations can be derived from this truth-table.

Table 3.2

Conflict, Government Type and Income, Europe

TRUTH TABLE SUMMARY

(0) Configurations with negative outcomes (torture)	6
(1) Configurations with positive outcomes (compliance)	1
(C) Configurations with contradictory outcomes	3

Variable Names by Column

MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
DEMOCRACY	- DE
HIGH INCOME	- HI
TRANSITION	- TR
COMPLIANCE	- CO

MA	MI	DE	HI	TR	CO	0 Cases		1 Cases	
						Freq	Pct	Freq	Pct
0	0	0	0	1	C	2	25	6	75
0	0	1	0	0	1	0	0	2	100
0	0	0	1	1	C	1	33	2	67
0	0	1	1	0	C	3	16	16	84
0	0	0	1	0	0	1	100	0	0
1	0	0	0	0	0	1	100	0	0
1	0	0	0	1	0	1	100	0	0
0	1	0	0	1	0	2	100	0	0
0	1	1	1	0	0	2	100	0	0
1	0	1	0	0	0	1	100	0	0

Table 3.3

Conflict, Government Type and Income, Americas

TRUTH TABLE SUMMARY

(1) Configurations with positive outcomes (compliance)	0
(0) Configurations with negative outcomes (torture)	4
(C) Configurations with contradictory outcomes	3

NUMBER OF RAW DATA CASES FOR EACH TRUTH TABLE CONFIGURATION

Variable Names by Column

MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
DEMOCRACY	- DE
HIGH INCOME	- HI
TRANSITION	- TR
COMPLIANCE	- CO

							0 Cases		1 Cases	
							Freq	Pct	Freq	Pct
MA	MI	DE	HI	TR	CO					
0	0	1	0	0	C		9	75	3	25
0	0	0	0	0	0		2	100	0	0
0	0	1	1	0	C		6	46	7	54
0	1	1	0	0	0		2	100	0	0
1	0	0	0	0	0		1	100	0	0
0	0	0	0	1	C		1	33	2	67
1	0	1	0	0	0		1	100	0	0

Complete Truth Tables

Because armed conflict and democracy do not distinguish well between states that comply with international norms against torture and those that do not, they must be viewed in the context of variations in the other factors examined in this study. This section, containing truth tables 3.4-3.8,

will show that it is possible to find positive outcomes and to derive equations when the other factors are added. However, while they identify some factors that are important the patterns they reveal do not fully explain government behavior.

The worldwide table still yields many configurations with contradictory outcomes. There are three positive configurations, containing only nine states; thirty-two negative configurations, containing sixty states; and fifteen contradictory configurations containing 110 states. Seventeen of the configurations with negative outcomes and one of those with a positive outcome have only one state in them. These are coded as contradictory.

The positive configurations highlight the problem of using equations from tables with so many contradictions. Clearly, an equation based on only eight cases cannot provide a sufficient understanding of the context in which governments comply. However it does tell us some interesting things about what distinguishes some states from others. Both of the positive configurations have no regime membership. There were many European states that were members of the regime and whose governments did not practice torture. Yet, these states cannot be grouped into any clearly positive configuration. Therefore, simplifying the configurations by using negative and contradictory configurations as

Table 3.4
All Factors, Global

TRUTH TABLE SUMMARY

(0)Configurations with negative outcomes(torture)	32
(1)Configurations with positive outcomes(compliance)	3
(C)Configurations with contradictory outcomes	15

NUMBER OF RAW DATA CASES FOR EACH TRUTH TABLE CONFIGURATION

Variable Names by Column													
MAJOR ARMED CONFLICT										-	MA		
MINOR ARMED CONFLICT										-	MI		
STATE RELIGION										-	ST		
DEMOCRACY										-	DE		
HIGH INCOME										-	HI		
MILITARY										-	ML		
REGIME										-	RE		
TRANSITION										-	TR		
COMPLIANCE										-	CO		
										0 Cases		1 Cases	
MA	MI	ST	DE	HI	ML	CV	TR	CO		Freq	Pct	Freq	Pct
1	0	1	0	0	0	1	0	0		2	100	0	0
1	0	1	0	0	0	1	1	0		1	100	0	0
0	0	0	0	0	0	0	1	C		5	36	9	64
0	0	0	1	0	0	0	0	C		3	23	10	77
0	0	0	0	0	0	0	0	C		4	50	4	50
0	1	1	0	0	1	1	0	0		1	100	0	0
1	0	0	0	0	0	0	1	0		4	100	0	0
1	0	0	0	0	0	0	0	0		4	100	0	0
0	0	1	1	1	0	1	0	C		2	25	6	75
0	0	1	0	0	0	1	1	0		4	100	0	0
0	0	1	1	0	0	1	0	1		0	0	1	100
0	0	0	1	1	0	1	0	C		9	41	13	59
0	0	0	0	1	0	1	1	C		1	33	2	67

continued next page

Table 3.4 continued

										0 cases		1 cases	
MA	MI	ST	DE	HI	ML	RE	TR	CO		Freq	Pct	Freq	Pct
0	0	0	1	1	0	0	0	1		0	0	6	100
0	0	1	1	1	0	0	0	1		0	0	2	100
0	0	1	0	1	0	0	0	C		2	29	5	71
0	1	1	0	0	0	0	1	0		1	100	0	0
0	0	0	0	1	0	1	0	C		1	50	1	50
0	0	0	1	0	0	1	0	C		3	75	1	25
0	0	0	0	0	0	1	1	C		2	18	9	82
0	0	1	0	0	0	0	0	C		2	67	1	33
0	0	1	0	0	0	0	1	C		3	75	1	25
0	0	1	1	0	0	0	0	0		3	100	0	0
1	0	0	0	0	0	1	0	0		2	100	0	0
0	0	0	0	0	1	0	1	0		2	100	0	0
0	0	0	0	0	1	0	0	C		1	50	1	50
0	1	0	0	0	1	0	0	0		1	100	0	0
0	1	0	0	0	0	0	0	C		3	60	2	40
0	1	0	0	0	0	0	1	0		5	100	0	0
0	0	0	0	0	0	1	0	0		1	100	0	0
1	0	0	1	0	0	1	0	0		3	100	0	0
1	0	0	0	0	0	1	1	0		1	100	0	0
0	1	0	1	0	0	0	0	0		1	100	0	0
0	1	0	0	0	0	1	0	0		2	100	0	0
0	1	0	0	0	0	1	1	0		2	100	0	0
0	1	0	1	0	0	1	0	0		2	100	0	0

Continued, next page

Table 3.4 continued

										0 cases		1 cases	
MA	MI	ST	DE	HI	ML	RE	TR	CO		Freq	Pct	Freq	Pct
0	0	0	0	1	0	0	0	C		2	50	2	50
1	0	0	1	0	0	0	0	0		2	100	0	0
0	0	0	0	0	1	1	1	0		1	100	0	0
0	0	1	0	0	1	0	0	0		1	100	0	0
1	0	1	0	0	0	0	0	0		1	100	0	0
0	1	0	1	1	0	1	0	0		2	100	0	0
0	0	1	0	0	0	1	0	0		4	100	0	0
0	0	1	0	1	0	1	0	0		1	100	0	0
1	0	0	0	0	1	0	0	0		1	100	0	0
0	1	0	0	1	0	0	0	0		1	100	0	0
1	0	1	1	0	0	0	0	0		1	100	0	0
1	0	1	0	0	1	0	0	0		1	100	0	0
0	1	0	0	0	1	1	0	0		1	100	0	0
0	1	1	1	1	0	1	0	0		1	100	0	0

non-complying produces a misleading conclusion if one does not remember the limited explanatory power. All these configurations say is that there was an absence of regime membership in the eight states. This does lend credence to the idea that membership in the regimes is not important to compliance.

The full European table, 3.5, shows improvement in the consistency of outcome over the European truth table looking only at type of government, income and armed conflict.

Table 3.5
All Factors, Europe

TRUTH TABLE SUMMARY

(0)Configurations with negative outcomes(torture)	10
(1)Configurations with positive outcomes(compliance)	3
(C)Configurations with contradictory outcomes	2

NUMBER OF RAW DATA CASES FOR EACH TRUTH TABLE CONFIGURATION

Variable Names by Column													
MAJOR ARMED CONFLICT	-	MA											
MINOR ARMED CONFLICT	-	MI											
STATE RELIGION	-	ST											
DEMOCRACY	-	DE											
HIGH INCOME	-	HI											
TRANSITION	-	TR											
REGIME	-	RE											
COMPLIANCE	-	CO											
										0 Cases		1 Cases	
MA	MI	ST	DE	HI	TR	RE	CO			Freq	Pct	Freq	Pct
0	0	0	0	0	1	0	0			1	100	0	0
0	0	1	1	0	0	1	1			0	0	2	100
0	0	1	0	0	1	1	0			1	100	0	0
0	0	0	0	1	1	1	C			1	33	2	67
0	0	0	1	1	0	1	C			3	25	9	75
0	0	1	1	1	0	1	1			0	0	7	100
0	0	0	0	1	0	1	0			1	100	0	0
0	0	0	0	0	1	1	1			0	0	6	100
1	0	0	0	0	0	1	0			1	100	0	0
1	0	0	0	0	1	1	0			1	100	0	0
0	1	0	0	0	1	1	0			1	100	0	0
0	1	0	1	1	0	1	0			1	100	0	0
1	0	0	1	0	0	1	0			1	100	0	0

Continued, next page

Table 3.5 continued

									0 Cases		1 Cases	
MA	MI	ST	DE	HI	TR	RE	CO		Freq	Pct	Freq	Pct
0	1	1	1	1	0	1	0		1	100	0	0
0	1	0	0	0	1	0	0		1	100	0	0

There are ten negative configurations, three positive ones, and only two contradictory outcomes. Fifteen states are in these two contradictory configurations; eleven of fifteen have positive outcomes. Many states that complied with international norms against torture would not be included in the equation. There are ten negative configurations that have only one state and so are coded as contradictory when creating equations. This leaves no configurations coded as negative.

In truth table 3.6, there are fewer contradictions once all the factors are added. There are nine configurations with negative outcomes, four configurations with positive outcomes, and three with contradictory outcomes. The nine configurations with negative outcomes contain ten states. The four configurations with positive outcomes contain eight states and the three contradictory configurations contain sixteen states. Of those sixteen, only four are states where the government is in compliance. There is a definite trend in the contradictory configurations for this table. None are split down the middle. If configurations with only one

Table 3.6
All Factors, Americas

TRUTH TABLE SUMMARY

(0) Configurations with negative outcomes (torture) 9
(1) Configurations with positive outcomes (compliance) 4
(C) Configurations with contradictory outcomes 3

Variable Names by Column
MAJOR ARMED CONFLICT - MA
MINOR ARMED CONFLICT - MI
STATE RELIGION - ST
DEMOCRACY - DE
HIGH INCOME - HI
MILITARY - ML
TRANSITION - TR
REGIME - RE
COMPLIANCE - CO

										0 Cases		1 Cases	
MA	MI	ST	DE	HI	ML	TR	RE	CO		Freq	Pct	Freq	Pct
0	0	0	1	0	0	0	0	C		4	80	1	20
0	0	0	0	0	0	0	0	0		1	100	0	0
0	0	1	1	1	0	0	1	0		1	100	0	0
0	0	1	1	0	0	0	1	1		0	0	1	100
0	0	0	1	1	0	0	1	C		5	71	2	29
0	0	0	1	1	0	0	0	1		0	0	4	100
0	0	1	1	1	0	0	0	1		0	0	1	100
0	0	0	1	0	0	0	1	C		3	75	1	25
0	0	1	1	0	0	0	0	0		2	100	0	0
1	0	0	1	0	0	0	1	0		1	100	0	0
0	1	0	1	0	0	0	0	0		1	100	0	0
1	0	1	0	0	0	0	1	0		1	100	0	0
0	0	1	0	0	1	0	0	0		1	100	0	0
0	0	0	0	0	0	1	1	1		0	0	2	100

Continued, next page

Table 3.6 continued

										0 Cases		1 Cases	
MA	MI	ST	DE	HI	ML	TR	RE	CO		Freq	Pct	Freq	Pct
0	0	1	0	0	0	1	1	0		1	100	0	0
0	1	0	1	0	0	0	1	0		1	100	0	0

state are not used to create equations then eight negative and two positive lines are no longer positive. This leaves only two lines, made up of six states, as positive configurations.

Tables 3.7 and 3.8 contain one additional piece of analysis because states were coded for membership in the regional or universal regime separately. Given the confused results about membership in a regime it seemed possible that membership in a particular regime would be important. When membership in the regimes is coded separately, the resulting truth table has only one configuration that is contradictory. In Truth table 3.7, there are eleven configurations with negative outcomes but only one state in each configuration. Six configurations, containing twenty states, have positive outcomes. The one contradictory configuration contains nine states, six of which have positive outcomes. When the two regimes are separated in the analysis of Latin American states there are eleven negative configurations, six positive configurations and two contradictory configurations which have eight states. Nine negative and four positive configurations contain only one state.

Table 3.7

All Factors with Regimes, Europe

TRUTH TABLE SUMMARY

(1) Configurations with positive outcomes (compliance)	6
(0) Configurations with negative outcomes (torture)	11
(C) Configurations with contradictory outcomes	1

Variable Names by Column

MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
STATE RELIGION	- ST
DEMOCRACY	- DE
UN MEMBER	- UN
EUROPEAN MEMBER	- EU
HIGH INCOME	- HI
TRANSITION	- TR
COMPLIANCE	- CO

										0 Cases		1 Cases	
MA	MI	ST	DE	UN	EU	HI	TR	CO		Freq	Pct	Freq	Pct
0	0	0	0	0	0	0	1	0		1	100	0	0
0	0	1	1	1	0	0	0	1		0	0	2	100
0	0	1	0	1	0	0	1	0		1	100	0	0
0	0	0	0	1	0	1	1	1		0	0	2	100
0	0	0	0	1	1	1	1	0		1	100	0	0
0	0	0	1	1	1	1	0	C		3	33	6	67
0	0	1	1	1	1	1	0	1		0	0	6	100
0	0	0	0	1	0	1	0	0		1	100	0	0
0	0	0	1	0	1	1	0	1		0	0	3	100
0	0	0	0	1	0	0	1	1		0	0	6	100
1	0	0	0	1	0	0	0	0		1	100	0	0
1	0	0	0	1	0	0	1	0		1	100	0	0
0	1	0	0	1	0	0	1	0		1	100	0	0
0	0	1	1	0	1	1	0	1		0	0	1	100

Continued, next page

Table 3.7 continued

										0 Cases		1 Cases	
	MA	MI	ST	DE	UN	EU	HI	TR	CO	Freq	Pct	Freq	Pct
	0	1	0	1	1	1	1	0	0	1	100	0	0
	1	0	0	1	1	1	0	0	0	1	100	0	0
	0	1	1	1	1	1	1	0	0	1	100	0	0
	0	1	0	0	0	0	0	1	0	1	100	0	0

The results do not show that membership in the European or the UN regime is more important in Europe. There are now more configurations that contain only one state. This in itself would cause fewer contradictions. The equations below do not indicate that membership in a regime is important.

Table 3.8

All Factors, Split Regime, Americas

TRUTH TABLE SUMMARY

(0) Configurations with negative configurations (torture)	11
(1) Configurations with positive outcomes (compliance)	6
(C) Configurations with contradictory outcomes	2

Variable Names by Column

MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
STATE RELIGION	- ST
DEMOCRACY	- DE
UN MEMBER	- UN
AMERICAN MEMBER	- AM
HIGH INCOME	- HI
MILITARY	- ML
TRANSITION	- TR
COMPLIANCE	- CO

											0 Cases		1 Cases	
											Freq	Pct	Freq	Pct
MA	MI	ST	DE	UN	AM	HI	ML	TR	CO					
0	0	0	1	0	0	0	0	0	0		4	80	1	20
0	0	0	0	0	0	0	0	0	0		1	100	0	0
0	0	1	1	1	1	1	0	0	0		1	100	0	0
0	0	1	1	1	0	0	0	0	1		0	0	1	100
0	0	0	1	1	0	1	0	0	1		0	0	2	100
0	0	0	1	0	0	1	0	0	1		0	0	4	100
0	0	1	1	0	0	1	0	0	1		0	0	1	100
0	0	0	1	1	0	0	0	0	C		2	67	1	33
0	0	1	1	0	0	0	0	0	0		2	100	0	0
0	0	0	1	1	1	1	0	0	0		5	100	0	0
0	1	0	1	0	0	0	0	0	0		1	100	0	0
0	0	0	1	0	1	0	0	0	0		1	100	0	0
1	0	0	1	1	1	0	0	0	0		1	100	0	0

Continued, next page

Table 3.8 continued

MA	MI	ST	DE	UN	AM	HI	ML	TR	CO	0 Cases		1 Cases	
										Freq	Pct	Freq	Pct
1	0	1	0	1	1	0	0	0	0	1	100	0	0
0	0	1	0	0	0	0	1	0	0	1	100	0	0
0	0	0	0	1	1	0	0	1	1	0	0	1	100
0	0	1	0	1	1	0	0	1	0	1	100	0	0
0	1	0	1	1	0	0	0	0	0	1	100	0	0
0	0	0	0	0	1	0	0	1	1	0	0	1	100

Equations

Because truth tables 3.4 -3.8 contain fewer configurations that have contradictory outcomes, they are more useful than the first three for the purpose of deriving equations from the configurations. The following tables show the equations derived from these truth tables. In these equations upper-case letters designate the presence of a particular factor and lower-case letters the absence of a factor. Plus signs represent Boolean "or" conditions.

Type of Government and Armed Conflict

The equations derived from truth tables 3.4 to 3.8 elucidate the multiple conditions present in states where the government complied and where the government did not comply with international norms against torture. The equations presented in tables 3.9 to 3.13 demonstrate the importance of the combination of type of government and armed conflict in distinguishing compliance from noncompliance. While the equations which include contradictory configurations also

indicate the importance of armed conflict and democracy, they demonstrate that some governments of states which are not democracies and do have minor armed conflict have complied with norms against torture. The lack of democracy or transition and the presence of minor armed conflict do not always mean that torture will be practiced.

The positive equations for the world and each of the regions contain only combinations with the absence of armed conflict and the presence of democracy or transition to democracy. As mentioned above, the equation derived from truth table four, using only clearly positive outcomes, presented in table 3.9, is by itself of limited value because so many states that do not torture are not represented in the equation. However, while only covering eight states, this positive equation is worth noting because it reveals the only situation where every state complied. This configuration identifies complying states as high-income, democratic states experiencing no internal armed conflict that do not belong to a regime. Of course the lack of armed conflict and the presence of democracy is expected but it is surprising to find the lack of regime membership. This will be discussed further below.

In the regional equations, all positive configurations also include the absence of armed conflict and the presence of democracy or transition toward democracy. The positive equation derived from the European table(3.5), presented in

Table 3.9

Global Comparison, Consistent Results

Compliance	Noncompliance
ma.mi.DE.HI.re = 1	mi.ST.de.hi.ml.RE.tr+
	MA.st.hi.ml.tr+
	MI.st.hi.ml.TR+
	MI.st.de.hi.ml.RE+
	MA.st.de.hi.ml.re+
	MI.st.DE.RE+
	ma.mi.st.hi.ML.re.TR+
	ma.mi.ST.de.hi.ml.RE+
	ma.mi.ST.DE.hi.re = 0

Derived from Truth Table 3.4

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
 ST-STATE RELIGION DE-DEMOCRACY HI-HIGH INCOME ML-MILITARY
 RE-REGIME TR-TRANSITION

table 3.10, contains two possible combinations of factors. No internal armed conflict is combined with democracy in one and with transition to democracy in the other. The first configuration shows that in states that were democracies without armed conflict and with an official state religion and membership in one of the regimes against torture, the government did not use torture. Income is dropped out of the equation because in both high and low income states displaying this configuration the government did not use torture. There is also compliance in states without armed conflict that were in transition toward democracy with no state religion, low income, and membership in a regime. This configuration characterizes many of the eastern European states such as Poland and the Ukraine that joined the European and/or the UN regimes early in their post - Leninist transitions.

Table 3.10

All Factors, Europe, Consistent Results

Compliance

Non Compliance

ma.mi.ST.DE.RE+

ma.mi.st.hi.TR.RE = 1

Derived from Truth Table 3.5

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT

ST-STATE RELIGION DE-DEMOCRACY HI-HIGH INCOME

RE-REGIME TR-TRANSITION

Table 3.11 is derived from the truth table that distinguished between the world and the European regime. In the positive equation in this table, all states in these configurations are democracies or in transition and have no armed conflict. Three of those configurations have the presence of democracy; one has the presence of transition to democracy. The configuration where there is the presence of transition has membership in one regime (the UN, not the European) and no state religion along with the lack of internal armed conflict.

It is interesting to note that there is movement towards democracy in equations with positive outcomes. This configuration shows the context in which states in transition comply with international norms against torture. This is important because while studies have shown that democracies are less likely to torture, the record of states in transition is not as clear (Fein, 1995). It is not surprising that low income would be linked to transition in states that complied as most states in transition were low

income states. Only two European states in transition, Hungary and Estonia, could be coded as high income and as one is in compliance and the other is not they are in a contradictory configuration.

Table 3.11

All Factors with Regimes, Europe, Consistent Results

Compliance	Non Compliance
ma.mi.ST.DE.EU.HI+	
ma.mi.DE.un.EU.HI+	
ma.mi.st.UN.eu.TR+	
ma.mi.ST.DE.UN.eu.hi= 1	

Derived from Truth table 3.7
MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
ST-STATE RELIGION DE-DEMOCRACY HI-HIGH
RE-REGIME TR-TRANSITION

The positive equation derived from the American region, presented in table 3.12, has two configurations. Here too the absence of armed conflict and the presence of democracy or transition are present in the equation indicating compliance with noms against torture. In this region, democracy and lack of armed conflict are combined with an absence of a state religion and the absence of regime membership along with high income. Transition is combined with the absence of state religion, the absence of military government and with low income and regime membership.

Table 3.12

All Factors, Americas, Consistent Results

Compliance

ma.mi.st.DE.HI.re +
ma.mi.st.hi.ml.TR.RE =1

Non Compliance

ma.mi.ST.DE.hi.re =0

Derived from Truth table 3.6

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
ST-STATE RELIGION DE-DEMOCRACY HI-HIGH
ML-MILITARY RE-REGIME TR-TRANSITION

Table 3.13

All Factors with Regimes, Americas, Consistent Results

Compliance

ma.mi.st.DE.am.HI = 1

Non Compliance

ma.mi.st.DE.UN.AM.Hi+
ma.mi.ST.DE.un.am.hi=0

Derived from Truth Table 3.8

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
ST-STATE RELIGION DE-DEMOCRACY HI-HIGH
ML-MILITARY UN - U.N. Membership AM - American Membership TR-TRANSITION

The contradictory equations, presented in tables 3.14 to 3.18, show most clearly that the simple combination of presence of democracy and the absence of armed conflict cannot explain government behavior. These equations are important because, as the truth tables above showed, in some tables most states that complied were not in the positive configurations. It is the contradictory equations that highlight factors that existed in all states that complied. While they include situations where there were negative outcomes as well, the contradictory equations identify all the contexts that cover any possibility of compliance. In

particular, they indicate the possibility of compliance in states that are not democracies and states that have minor armed conflict.

Table 3.14
Global Comparison, Inconsistent Results

Instances of Compliance	Instances of Non Compliance
ma.mi.DE.ml.RE+	ma.de.hi.ml.re.TR+
ma.mi.st.HI.mi.tr+	mi.de.hi.ml.RE+
ma.mi.HI.mi.re.tr+	ma.mi.de.ml.tr+
ma.mi.st.de.re.tr+	ma.st.de.hi.mi+
ma.mi.de.hi.ml.re+	ma.st.hi.ml.tr+
ma.mi.st.mi.RE.TR+	mi.st.de.hi.ml+
ma.mi.st.de.hi.re.tr+	mi.st.hi.ml.tr+
ma.st.de.hi.ml.re.tr= 1	mi.hi.ml.re.tr+
	mi.DE.HI.RE+
	ma.mi.st.hi.TR+
	ma.mi.st.de.ml.RE+
	MI.st.de.hi.tr+
	ma.st.de.ml.re.tr+
	MI.de.hi.ML.RE.tr+
	mi.de.hi.re.tr+
	MA.ST.DE.hi.re.tr =0

Derived from Table 3.4
MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
ST-STATE RELIGION DE-DEMOCRACY HI-HIGH INCOME
ML-MILITARY RE-REGIME TR-TRANSITION

Table 3.15

All Factors Europe, Inconsistent Results

Instances of Compliance

ma.mi.DE.HI.tr.RE+
 ma.mi.ST.DE.tr.RE+
 ma.mi.st.de.TR.RE=1

Instances of Non Compliance

MA.DE.HI.RE+
 ma.st.DE.HI.RE+
 ma.mi.st.de.HI.RE+
 MA.st.de.hi.RE+
 MA.st.hi.tr.RE+
 MI.st.hi.TR+
 ma.st.hi.TR.re+
 ma.mi.ST.hi.TR.RE=0

Derived from Truth Table 3.5

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
 ST-STATE RELIGION DE-DEMOCRACY HI-HIGH INCOME
 RE-REGIME TR-TRANSITION

Table 3.16

All Factors with Regimes, Europe, Inconsistent Results

Instances of Compliance

ma.mi.DE.EU.HI+
 ma.mi.st.UN.eu.TR+
 ma.mi.st.DE.HI+
 ma.mi.ST.DE.UN.eu.hi.tr=1

Instance of Non Compliance

MI.DE.UN.EU.HI+
 ma.st.DE.UN.EU.HI+
 MI.st.eu.hi.TR+
 MA.st.de.UN.eu.hi+
 ma.st.un.eu.hi.TR+
 ma.mi.st.UN.EU.HI.TR+
 MA.st.DE.UN.EU.hi+
 ma.mi.ST.UN.eu.hi.TR+
 ma.mi.st.de.UN.eu.HI.tr=0

Derived from Truth table 3.7

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
 ST-STATE RELIGION DE-DEMOCRACY HI-HIGH
 UN-UNITED NATIONS EU -EUROPEAN TR-TRANSITION

Table 3.17

All Factors, Americas, Inconsistent Results

Instances of Compliance

ma.mi.st.DE+ ma.mi.DE.hi.RE+
 ma.mi.DE.HI.ml.tr.re+
 ma.mi.st.hi.ml.TR.RE=1

Instances of Non Compliance

ma.mi.DE.HI.RE+ mi.st.DE.hi.Re+
 ma.mi.DE.hi.re+
 ma.st.DE.hi+
 ma.mi.st.hi.ml.tr.re+
 ma.mi.ST.hi.MI.tr.re+
 mi.ST.de.hi.ml.tr.RE=0

Derived from Truth table 3.6

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
 ST-STATE RELIGION DE-DEMOCRACY HI-HIGH
 ML-MILITARY RE-REGIME TR-TRANSITION

Table 3.18

All Factors with Regimes, Americas, Inconsistent Results

ma.mi.st.DE.am.mi.tr+
 ma.mi.DE.UN.am.HI.ml.tr+
 ma.mi.DE.UN.am.hi.ml.tr+
 ma.mi.st.de.AM.hi.mi.TR=1

ma.mi.DE.UN.AM.HI+
 MA.st.DE.UN.AM.hi+
 ma.mi.st.DE.un.hi+
 ma.mi.DE.un.am.hi+
 ma.st.DE.am.hi+
 ma.mi.st.un.am.hi.mi.tr+
 mi.ST.de.UN.AM.hi.ml.tr+
 ma.mi.ST.un.am.hi.ML.tr=0

Derived from Truth table 3.8

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
 ST-STATE RELIGION DE-DEMOCRACY HI-HIGH
 ML-MILITARY UN-UNITED NATIONS AM-AMERICAN TR-TRANSITION

The equation presented in table 3.14, derived from the worldwide truth table using all configurations where any state was in compliance, includes eight configurations. Only two of these have the combination of no armed conflict and democracy or transition to democracy. Most are configurations where there was no armed conflict and no

democracy or transition. There is one combination where the absence of minor armed conflict is not necessary to compliance. This configuration is with the absence of major conflict, no democracy or transition, a civilian government and no regime membership. Minor armed conflict drops out meaning there could be minor armed conflict in this situation.

The negative equations also tell us more about states in transition to democracy. In the negative equation, two configurations have governments in transition, one in combinations with the presence of minor armed conflict and the other in combination with the presence of a military government.

In the European table, 3.10, there are no negative configurations once those with only one case are eliminated. However, an equation derived from the contradictory outcomes, shown in table 3.15, which includes those negative configurations containing only one case, identifies contexts in which there were any negative outcomes. Once again, many but not all negative configurations have armed conflict. In the European, there are two configurations with the presence of democracy that did not comply. In one, there is a combination of major armed conflict, high income and regime membership. The other, however, is where there may or may not be minor armed conflict, as it drops out of the equation. This is a configuration where there is high income, regime membership and no state religion.

Regime Membership

Only in the cases of states where the government did comply with international norms against torture and did belong to the regime could norms have mattered. This global survey provides little encouragement for arguments that international regimes matter. Clearly regime membership did not matter in states where torture was practiced despite regime membership and where torture was avoided even though the state was not a regime member. In addition, there are several instances where regimes were present in configurations but dropped out of the final equation because, according to Boolean logic, they were irrelevant.

In the worldwide analysis, regime membership is absent in positive but is present in contradictory and negative equations. In the positive, lack of membership in a regime is in conjunction with the presence of high income and democracy and the absence of armed conflict. This makes a stronger statement than if this factor just did not appear in the equation, which would mean that it did not matter for the outcome whether or not a state belonged to a regime. In this equation, regime membership was actually absent. So when there was a clear outcome of compliance, there was an absence of regime membership in conjunction with the other, expected factors. However, as mentioned above, this equation leaves out many states. Regime membership is present in a positive equation only in the European analysis, not in the world wide or American ones. The presence of regime membership would

show up in more configurations than in the other analysis simply because a higher proportion of states in Europe have joined.

Regime membership is also present in some negative configurations. This could easily be explained if it appeared only in combination with armed conflict, as it is now clearly established that armed conflict is associated with the practice of torture. But there are configurations where members of a regime lacked internal conflict and yet did not comply with international norms. It is again apparent that membership in a regime was present in complying states in Europe. There is no indication, however, that membership in the European regime was more important than membership in the United Nations regime.

The question of regime impact on compliance cannot be answered completely without doing time analysis. An argument against their importance can be supported if there has been no improvement in states that were practicing torture before joining the regime. That is why it is important to look at states that improved or did not improve their records since 1979 to really understand the importance of these conventions.

Conclusion

This research identifies certain combinations of factors present in all states complying with international norms against torture and many more configurations present when contradictory configurations are coded as positive to capture

all cases of compliance with international norms. These equations are derived from truth tables that demonstrate that for the most part the factors cannot separate compliers from noncompliers.

This study finds that the same factors, armed conflict and type of government, that Rummel showed to influence democide, are linked to government use of torture. Yet it also demonstrates the limits of their explanatory power. It shows that armed conflict seems to be an even stronger factor in torture than type of government because it reveals no cases of compliance when there is major armed conflict but some cases of compliance when there is a lack of democracy. Yet it is also apparent that democracy and armed conflict even in combination are not enough to distinguish between compliers and non-compliers and that other factors are necessary to truly understand state behavior. This study also explores the complexity of armed conflict by distinguishing between major and minor armed conflict. Doing so shows that while in every context states experiencing major armed conflict governments resort to torture, the same is not true for those experiencing minor armed conflict.

While the transnational movement to end torture is examined in later chapters, this analysis does reveal something about the success of one important part of this effort. The findings in this chapter begin to build a case against the idea that international regimes are important. Though this case cannot be complete until we look at time analysis in

later chapters, even in this beginning there are indications that international regimes have not acted as constraints on government behavior. Yet it is too early to conclude that they are irrelevant. Regimes may be important at the margins.

These findings also address the question of whether democracy is necessary for respect of human rights and whether states that do not respect rights can even be considered democracies. Any finding on this point is affected by how the analyst defines democracy. Some define democracy in a way that allows states that are not rights respecting to be considered democracies. They point out that states that should be considered democracies based on the form of government do not respect rights. David Forsythe (1995) points out, giving India as an example, that democracy and rights- protective states are not the same thing. As Akwasi Aidoo (1993, p. 705) argued:

The point here is that where as it is not possible to have human rights in undemocratic conditions democracy will not automatically guarantee human rights".

Others define democracy in such a way that all democracies must by definition respect human rights. Some argue that states can only be considered democracies if they at the very least, respect political rights and some include most universally recognized rights. Kaballo argued that within his understanding of democracy there is nothing like

"democracy without human rights." He said "democracy without universal human rights is a contradiction in terms" (p. 189). However, in order to understand the circumstances under which states that hold elections and have multi-party systems violate human rights it is useful to separate the categories of rights respecting states and democracies. As discussed in the methodology chapter, for the purposes of this study, states were coded as democracies bases on a very limited and minimal standard.

This study also addresses the impact of a transition toward democracy on government behavior towards its citizens. While this part of the study does not find that transition necessarily leads to compliance, neither does it confirm Fein's argument that there is "more murder in the middle" (1995, p. 185). Configurations with transition to democracy are present in equations with positive outcomes and contradictory ones. Transition appears in positive configurations when there is no armed conflict or military control. With one exception, it appears in negative configurations only when there is armed conflict, military control of the transition process or with the combination of state religion and low income.

It is clear from this study that the complexity of government behavior makes it crucial to look beyond the factors emphasized in the literature and undertake a closer analysis of fewer states in order to really understand government behavior. There are two ways that the rest of

this study can clear up some of the unresolved questions. The first is by looking at fewer states in more detail. The sacrifice of detail in order to code for so many countries may have contributed to weak explanatory powers of some factors. The second is by looking at state behavior over time. In the study of states that have shown significant improvement or decline in compliance, the additional factors examined may show that non-domestic factors, such as transnational networks and pressure from other states, are important to the process. As Chayes and Chayes pointed out in a discussion of regulatory treaties "a cross section at any particular moment may give a misleading picture of the state of compliance (Chayes and Chayes, 1995, p. 15).

CHAPTER 4

CIRCUMSTANCES OF IMPROVED COMPLIANCE

To begin the task of elucidating the dynamics of governments' compliance with international norms against torture, this chapter presents results drawn from a survey of selected states in the years 1979-93. In particular, it compares the small group of states identified as increasing levels of compliance to a group of states that were democratic or in transition and yet tortured frequently. This analysis permits an assessment of some of the dynamics at work as states' internal conditions or exposure to external influences change over time.

This chapter first describes in greater detail those states that were coded as improvers. It shows that total compliance is rarely achieved and difficult to maintain. The states that improved from the worst levels were still torturing at middle levels in 1993. This part of this chapter discusses the amount and timing of the change in each of these states and the situation in the twelve comparison states. The second section reports the results of the comparison between the two groups of states. This comparison reveals several things. First, membership in any of the torture regimes has not had any serious impact on government behavior. Second, an analysis of the comparison confirms and further develops the importance of armed conflict as a

domestic factor and indicates the circumstances under which the presence of minor armed conflict may be overcome. Third, it highlights the importance of foreign pressure and the more limited circumstances under which NGOs with transnational links may have been able to effect government practice.

Improvement in Compliance

Not only is the number of governments that improved small; the improvement by these governments is incomplete. As can be seen in table 4.1, when governments improved it was, for the most part, from very high levels of torture to moderate levels; only a few reduced their use of torture to the level of no or only occasional torture. Of the eight improving states discussed in this chapter, six were previously among the worst offenders. In these states, torture declined from the very worst levels to moderate levels; none of those six achieved total compliance. For some of these governments to reach even this moderate level involved massive improvement, but the movement clearly stalled after a certain point. In Argentina, Bolivia and Uruguay there was a period of complete compliance before the practice of torture resumed at much lower levels. There were vast improvements in terms of overall human rights in these three states. Disappearances almost stopped, democracy was restored, and those who were tortured were more likely to survive. Yet there remains the disturbing fact that these governments were unable to maintain the level of compliance they achieved when civilian rule was first reestablished. Improvement was only sustained

in the two states who went from the middle level to occasional or no torture.

Table 4.1
Compliance Patterns of Improver States

State Name	79	80	81	82	83	84	85	8	87	88	89	90	91	92	93
Argentina	*	*	*	*	+	+	-	-	-	+	+	+	+	+	+
Benin	-	-	-	-	-	-	+	+	+	+	+	+	-	-	-
Bolivia	*	*	*	*	+	+	-	-	+	+	+	+	+	+	+
Chile	*	*	*	*	*	*	*	*	*	*	+	+	+	+	+
Ethiopia	*	*	*	*	*	*	*	*	*	*	*	*	*	+	+
Philippines	*	*	*	*	*	*	*	*	*	*	*	*	*	+	+
Suriname	-	-	+	+	+	+	-	+	+	+	+	-	-	-	-
Uruguay	*	*	*	*	*	*	-	-	-	-	-	-	+	+	+

* Frequent torture + Some torture
- No or occasional torture

Transition to Democracy

The most obvious common factor in the eight states where improvement occurred is a transition to democracy before the decline in torture. Despite the development of norms against torture in the post World War II period, no government remaining in power changed significantly for the better. Only after a repressive government was no longer in power did the practice of torture begin to decline. The Philippines is perhaps a partial exception because the new leaders democratically elected in 1986 continued to torture and the

decline only occurred after the second set of elections in 1992.

The Latin American improvers had previously been democracies but during the worst of the abuse were under military dictatorship. Four successive military juntas ruled for six years in Argentina from 1976-1983. After defeat in the 1982 Falklands War, the military lost power and civilian rule was reestablished in 1983. When the military lost power, the amount of torture in Argentina, which had been declining since its peak in 1976 and 1977, decreased enough to no longer be classified as wide or systematic torture. Yet it was not until late 1983 that Argentina significantly decreased torture. At this point, the new government appeared to be heading toward total compliance but in 1988 and 1989 there was an increase in new torture reports. This level of torture did not become and showed no signs of becoming anywhere near the level reached under the military regime. However, there also was no sign that further improvements would be forthcoming.

The first country to have a significant, sustained decline in torture was Bolivia. Its difficult and complicated transition to democracy ran from 1978 until 1982. The first attempt at a return to democratically elected civilian rule, following the June, 1978 elections was cut short by a military coup in August and another in November. There was another election in 1979, a coup in July, 1980 and another election in 1980 (Schoultz, 1981, p. 357). The practice of

torture had declined briefly in late 1979, but with the next coup that halted the transition process, torture resumed. It began to decline again in 1983 and was almost non-existent in 1985 and 1986. Torture increased again in 1987 but not nearly to the point where it was frequent.

Torture was practiced widely in Uruguay until 1985. The Uruguayan military had previously reduced its torture rate from the peak of the late seventies. However, while there were fewer cases than in the past, the situation was still serious before 1985. From 1985 to 1990, there was almost complete compliance with international norms against torture. But, as in Argentina and Bolivia, there was eventually resumption of low levels of torture. The almost complete compliance lasted for six years after which torture increased to relatively low levels.

Chile had experienced a longer period of high levels of torture than most other states and did not at any point reach the same levels of compliance as Argentina, Uruguay and Bolivia. There was frequent torture throughout the seventies and the eighties, although later in this period there was some decrease in the number of victims. In 1978 Chile's secret police force(DINA) was dissolved and replaced by a new state security body, the National Center for Investigation(CNI). CNI used torture more selectively than DINA. According to the Washington Office on Latin America, torture was still practiced frequently but became "institutionalized and more sophisticated" (WOLA, 1985, p.

8). The transition from military rule began in Chile in 1988 when 55% of the population voted against Pinochet's continuing to rule (Country Report Chile, 1988.4, p. 5). A new constitution came into effect in July of 1989 and in December, Patricio Aylwin won the presidency (Country Report Chile, 1989.4, p. 5). The practice of torture finally declined significantly in 1990 and stayed at moderate levels through 1993.

In Suriname, the pattern of torture was different than in many of the other states: a generally lower level of torture was punctuated by highly publicized cases of torture and killing. For instance, on December 8-10 1982, fifteen people were arrested and executed (O.A.S., 1983, p. 27). After members of the International Commission of Jurists visited from February 25 to March 4, 1983 they reported that human rights had "deteriorated dramatically" since the previous ICJ visit in February 1981 (ICJ, July 1983). There were some signs of improvement in the mid eighties when an interim government was installed, but these initial signs of improvement did not lead to sustained change (Country Report Suriname, 1987.2, p. 17). In November 1986 there was a massacre at Moiwana of supposed sympathizers of the Jungle commando (Amnesty International, 1987). The abuse continued on New Year's Eve 1987, when twenty people were severely tortured and six murdered (Country Report Suriname, 1987.2, p. 18). It was not until 1990 that the real improvement in state behavior occurred. Suriname began its transition in

1990 but this attempt at democracy was hampered when the military took power in a bloodless coup on December 25th (State Department, 1990, p. 769). The military government did very soon arrange for new elections on May 25, 1991. These were supervised by OAS observers and generally held to be reasonably free and fair (The Economist, June 1989, p. 48).

In the Philippines and Ethiopia, transition occurred when long-time rulers were forced to flee the country. Neither of these states where torture was practiced frequently had dramatic improvements in human rights practices by 1993. Torture was reduced at the end of the period studied just enough to move them out of the category of states where torture is frequently practiced.

During the Mengistu regime torture was practiced routinely in Ethiopia. Serious challenge to Mengistu's rule began when the Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) was formed in 1988 as an alliance among insurgent groups. On May 21, 1991, Mengistu fled the country and six days later the U.S. convened peace talks (Freedom in the World, 1993, p. 224; Amnesty International, 1992, p. 114). The Transitional conference was held in July 1991 and the first regional elections followed in 1992 (Country Report Ethiopia, 1992.3, pp. 21-22). The rate of torture only went down in Ethiopia in 1992, dropping from frequent to lesser levels of torture. While torture was still practiced in 1993, particularly in areas of military conflict, it was no longer occurring as

frequently. Human Rights Watch Reports reported that the transitional government in Ethiopia made significant progress and remained more accountable on human rights matters than any other government in Ethiopian history. (Human Rights Watch, 1993, p. 10). Yet even this significant progress left an enormous gap between Ethiopian government conduct and the requirements of international norms.

In the Philippines, the improvement was much less and did not occur until 1992. Many expected and hoped for an earlier improvement in state practice after February 1986, when Marcos was removed from power. Corazon Aquino placed human rights at the top of her campaign platform in the February 1986 elections and the new constitution, ratified in February of 1987, provided a number of judicial and other safeguards including the creation of the Presidential Commission on Human Rights (PCHR) (Nemenzo, 1995, p. 119). There was also an initial decrease in human rights violations. However, the democratization process was endangered by seven coup attempts by right-wing elements of the military and when negotiations between the government and the New People's Army insurgents collapsed the human rights situation started to worsen (Amnesty International Report, 1992, p. 17). Unlike in Argentina, it was not a moderate increase but a return to systematic abuse. Under Aquino, torture by the army and by government-backed militia, became rampant. In 1987 the Task Force Detainees of the Philippines' statistics showed double the violations of the year before. They reported that about

27% of individuals arrested in 1988 were subject to torture (*Philippine Human Rights Update* 4.3, p. 10). The situation began to change with the peaceful transition of power in June of 1992 when Fidel Ramos, who had been Secretary of National Defense and Chief of Staff of the Armed Forces in the Aquino administration, became president. In 1992 and 1993, the practice of torture finally began to lessen. The human rights situation improved just enough for the state to be removed from the category of frequent torturer.

The last of the eight states experiencing sustained improvement is Benin. In the early 1980s it was a Leninist one-party state where abuse of prisoners was practiced throughout the country. Many political prisoners were freed in 1984 and there seemed the potential for change (*Amnesty International Report*, 1984, p. 20). However, beginning in 1985 there was a steady increase in imprisonment and torture. The political transition in Benin began in 1989 when the government began negotiations with exiled political opposition. A group of Beninese leaders forced President Kerekou to relinquish control to a transitional government in June. On February 19-28, 1990, a national conference for reconstruction established a multi-party democracy and in early 1990 an interim government was set up to prepare for democracy (Nwajiaku 1994, p. 429). Multiparty local elections were held in late 1990 and a new constitution was approved. Torture declined significantly after that point. In March 1991, national elections were held and Prime

Minister Soglo defeated General Kerekou in the election for President (Derryck, 1991, p. 24).

Governments Practicing Widespread Torture

To explore further the conditions under which democracy or transition is insufficient to reduce torture, I examine a group of states that are democracies or in transition to democracy and continue to torture frequently and systematically. This group consists of Turkey, Sri Lanka, India, Mexico, Brazil, Ecuador, Venezuela, Peru, Colombia, Pakistan, Bangladesh, and El Salvador. This group of comparison states does not include states where claims of democratization rested only on elections which foreign observers judged to be fraudulent or only on government declarations of transition. Tables 4.2 and 4.3 present the timing of democratization and the level of torture.

Each of the governments in this group either continued to use torture at roughly the same high level throughout the period studied or actually increased its level of torture. Table 4.4 illustrates that nine of these comparison states had governments that were constant torturers, and the governments of three--Ecuador, Peru, and Venezuela--actually increased the amount of torture practiced in the period studied. In Ecuador, which did not have a history of serious human rights abuse, torture became a significant problem for the first time in 1985 when, under President Febres Cordera, it began to be practiced consistently by the police and to a lesser extent by the military. Torture also became more

Table 4.2

Democracy, Transition and Compliance, Improvers

	Non Democracy	Transition	Democracy
Never or Occasional	Benin (79-84) Surinam(80,90)	Argentina(85-87) Uruguay(85-89) Surinam(90-93) Benin(91-93)	Bolivia(85-86) Uruguay(90) Surinam(79)
Some	Surinam (81-86) Benin(85-90)	Argentina(83-84,88) Bolivia(83-84) Chile(89-92) Surinam(87-89) Ethiopia(92-93)	Argentina(89-93) Bolivia(87-93) Uruguay(91-93) Chile(93) Philippines(92-93)
Frequent	Chile (79-87) Bolivia(79-82) Argentina(79-82) Uruguay(77-84) Ethiopia(79-90) Philippines(79-85)	Bolivia(82) Chile(88) Ethiopia(91) Philippines(86-91)	

Table 4.3

Democracy, Transition and Compliance, Non Improvers

	Non Democracy	Transition	Democracy
Never or Occasional			Venezuela 79-86
Some	.	Ecuador(79-83) Pakistan(86-87)	Ecuador(84) Colombia(81-82) Mexico(86-87) Venezuela(87-91)
Frequent	Pakistan(79-83) El Salvador(79-82) Bangladesh(79-89) Brazil(79-84) Turkey(79-82)	Pakistan(85,88-89) Bangladesh(90-93) Brazil(85-88) El Salvador(83-88) Peru(79-84) Turkey(83-90)	Ecuador(85-93) Colombia(79-80,83-93) Mexico(79-85,88-93) Venezuela(92-93) India(79-93) Brazil(89-93) Peru(85-93) El Salvador(89-93) Pakistan(90-93) Sri Lanka(91-93) Turkey(91-93)

serious and frequent in Peru, although it was a problem throughout the period studied. In Venezuela, torture also increased in the late eighties to the point of becoming a systematic practice.

Table 4.4
Compliance Patterns of Non-Improver States

State Name	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93
Bangladesh	*	+	*	*	+	*	*	*	*	+	*	*	*	*	*
Brazil	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Colombia	*	*	+	+	*	*	*	*	+	+	*	*	*	*	*
Ecuador	+	+	+	+	+	+	*	*	*	*	*	*	*	*	*
El Salvador	*	*	+	*	*	*	+	*	+	*	*	*	*	+	*
India	+	*	+	*	*	+	*	*	*	*	*	*	*	*	*
Mexico	+	*	*	+	*	*	*	+	+	*	*	*	*	*	*
Pakistan	*	+	*	*	+	*	*	+	+	*	*	*	*	*	*
Peru	*	*	+	*	+	*	*	+	*	*	*	*	*	*	*
Sri Lanka	*	+	*	+	*	+	*	*	*	+	*	+	*	*	+
Turkey	+	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Venezuela	-	-	-	-	-	-	-	-	+	+	+	+	+	*	*

* Frequent torture + Some torture
- No or occasional torture

Circumstances of Improved Compliance

The Qualitative Comparative Analysis undertaken in this chapter elucidates the very limited circumstances under which NGOs have possibly been part of the process of change, and the sets of circumstances under which improvement can occur

without the presence of human rights activists. The only configuration in the positive equation where human rights groups were part of a process toward greater compliance was when major armed conflict was absent and where there was significant foreign pressure on the offending government. Such circumstances have characterized relatively few of the states where levels of torture were high. Most governments that were torturing extensively were engaged in domestic armed conflict and only rarely have they been under any serious sustained pressure to comply with international human rights norms.

The cross-national study showed that the domestic factors alone could not explain state behavior but it did clearly demonstrate the importance of armed conflict and domestic regime type in distinguishing compliance from non compliance. Armed conflict is therefore included in this analysis along with foreign pressure, NGOs and transnational links.

Regime membership has not been an important factor in state compliance. The examination from 1979 to 1993 gives further evidence that regimes have not had an impact on member states. Most of the states where the government improved its human rights records were not members of the UN or regional convention until after they had already improved compliance.

As illustrated in table 4.5, only three states, Suriname, Chile and the Philippines, became parties to the torture conventions before the government reduced the amount of torture practiced. Bolivia and Ethiopia did not become

members of these regimes in the period studied. In every other case a new government undertook the treaty obligations after torture had been reduced. So human rights activists struggling for greater respect for rights in these states did not have regime membership as a focal point of their protests, but rather had to point to more general human rights treaties and norms against torture.

Table 4.5

Regime Membership and Compliance

	Member	Non Member
Improved Compliance	Chile(U88,A88), Phil(U86) Suriname(A88)	*Argentina(U86 A92), *Benin(U92), Bolivia Ethiopia *Uruguay(U86,A92)
Widespread Torture	Brazil(U91 A89) Mexico(U86. A87) Peru(U88,A91), Ecuador(U88) Turkey(U88,E88) Venezuela (U91, A91)	Bangladesh, Colombia, El Salvador, India, Pakistan, Sri Lanka

- * - joined convention after improvement in compliance
- U - United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- A - Inter-American Convention to Prevent and Punish Torture
- E - European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

The importance of these international regimes is also called into question by the fact that many states where governments still torture are members of the regimes. It is apparent that governments have joined them without seriously intending to obey. In six of the twelve comparison states, Brazil, Mexico, Ecuador, Peru, Turkey and Venezuela, the government continued to torture at high levels after becoming party to a convention. Even if human rights regimes affect governments after a relatively long timelag, after several years of membership some signs of improvement could be expected. Certainly the states included in this study are not alone in this pattern. . Therefore, membership in a regime is not included in the QCA analysis.

Because this part of the study does not involve as large a number of states, it was possible to do a somewhat more extensive examination of factors. In this section, I coded for the presence or absence of three factors that were not included in the larger cross-sectional study: the activity level of NGOs, the existence of links between domestic human rights activists and INGOs willing to assist their cause, and foreign pressure. Each of the improving states was coded for the factors as they existed in the period preceding the change in outcome. The comparison states were coded for each factor at the end of the period studied. By coding states for conditions present at the time of the improvement and comparing this to the conditions existing in states that did

not improve by the end of the period studied, it is possible to explore the context in which change occurred.

As shown in Table 4.6, the combinations of these five factors distinguish between states where the government improved its compliance and those where it did not in every configuration but one. The configuration with a contradictory outcome includes minor armed conflict, active NGOs with links and the absence of foreign pressure. This configuration is noteworthy because it contains the Philippines, one of the three improving states where human rights organizations were active before the change. Because it is in a contradictory configuration with Bangladesh and Colombia, the Philippines is not represented in the equation for improvement in compliance. The slowness of the Philippines improvement reinforces the conclusion that in states with this combination of factors, the presence of minor armed conflict and the absence of foreign pressure, governments are likely to continue torturing at high levels.

Table 4.6

Conflict, NGOs and Foreign Pressure

TRUTH TABLE SUMMARY

Configurations with Negative Outcomes(continued torture)	5
Configurations with Positive Outcomes(less torture)	4
Configurations with Contradictory Outcomes	1

Variable Names by Column

MAJOR ARMED CONFLICT	MA
MINOR ARMED CONFLICT	MI
ACTIVE NGOS	NG
LINKs	LI
FOREIGN PRESSURE	FO
OUTCOME	O

MA	MI	NG	LI	FO	O	Neg. Cases		Pos. Cases	
						Freq	Pct	Freq	Pct
0	0	1	1	1	1	0	0	2	100
1	0	1	1	1	0	2	100	0	0
0	1	0	0	1	1	0	0	1	100
0	0	1	1	0	0	2	100	0	0
0	1	1	1	0	C	2	67	1	33
0	0	1	0	0	0	2	100	0	0
0	0	0	0	0	1	0	0	1	100
0	0	0	0	1	1	0	0	3	100
1	0	1	1	0	0	3	100	0	0
0	1	1	0	0	0	1	100	0	0

CASE IDS FOR THE TRUTH TABLE

0	0	1	1	1	1	=>	argentina	=1	chile	=1
1	0	1	1	1	0	=>	turkey	=0	el salvador	=0

continued next page

Table 4.6 continued

0	1	0	0	1	1	=>	ethiopia	=1		
0	0	1	1	0	0	=>	mexico	=0	brazil	=0
0	1	1	1	0	C	=>	colombia	=0	bangladesh	=0
							philippines	=1		
0	0	1	0	0	0	=>	ecuador	=0		
							venezuala	=0		
0	0	0	0	0	1	=>	benin	=1		
0	0	0	0	1	1	=>	uruguay	=1	suriname	=1
							bolivia	=1		
1	0	1	1	0	0	=>	sri lanka	=0	india	=0
							peru	=0		
0	1	1	0	0	0	=>	pakistan	=0		

Equation 4.1

$$ma.ng.li.FP + ma.mi.ng.li + ma.mi.NG.LI.FP = 1$$

Equation 4.2

$$MA.mi.NG.LI + ma.NG.fp = 0$$

MA-MAJOR ARMED CONFLICT MI-MINOR ARMED CONFLICT
 NG-ACTIVE NGOS LI-LINKS FP-FOREIGN PRESSURE
 1-IMPROVEMENT 0-Non Improvement

. indicates and + indicates or

Three combinations are present in the equations derived from configurations with positive outcomes. The first, *ma.ng.li.FP*, indicates an absence of major armed conflict, an absence of active local NGOs and the presence of foreign

pressure. Reduction according to the QCA procedure reveals that minor armed conflict drops out of the configuration. In this configuration, it does not matter to the outcome whether or not there was minor armed conflict. Either way improvement occurred. The second combination, ma.mi.ng.li, indicates the absence of both armed conflict and active NGOs. In this case, foreign pressure drops out of the equation. So when there is no minor armed conflict there might be foreign pressure but it is not necessary to improvement. Together these two configurations show that improvement occurs when there is either the absence of minor armed conflict or the presence of foreign pressure.

In the third combination, ma.mi.NG.LI.FP, there is no armed conflict, the presence of active local NGOs with links and the presence of foreign pressure. This tells us that the only circumstance under which NGOs could have been part of the process leading to improvement was when there was no armed conflict and there was foreign pressure.

In the equation created by reducing negative outcomes there are two configurations. In the first, there is major armed conflict and the presence of NGOs with links. It did not matter whether there was foreign pressure; either way greater compliance did not occur. In the other combination there is an absence of both major armed conflict and foreign pressure, the presence of human rights organizations, but the absence of transnational links. Under these conditions, minor armed conflict drops out of the equation.

The Importance of Armed Conflict

This section focuses on the importance of armed conflict in efforts to achieve compliance with human rights norms and elucidates the circumstance under which the presence of minor armed conflict may be overcome so that compliance can be achieved even with armed conflict. No matter what the context improved compliance with norms against torture occurs only when there is no major armed conflict. There is no context in which compliance has improved during periods of major armed conflict and not very many situations it has during minor armed conflict.

Armed Conflict in Improvers

One of the configurations in the positive equation, ma.ng.li.FP, represents a situation where improvement could occur despite minor armed conflict. When there was no major armed conflict, there were no NGOs and there was the presence of foreign pressure whether or not there was minor armed conflict the outcome was compliance. Ethiopia which had minor armed conflict is covered by this configuration. While the worst fighting of the civil war in Ethiopia was over by 1992, there were clashes between the Ethiopian People's Revolutionary Democratic Front (EPRDF) and the Oromo Liberation Front (OLF) which left the government after the elections (Amnesty International Report 1993, p. 127). In March and April 1992, fighting erupted between EPRDF forces and militia of the Issu and Gourgoura Liberation Front (IGLF).

In addition, intercommunal clashes in Arsi province were causing extensive loss of life (Country Report 92.2, p. 20).

However, there is one state that is in a configurations with a contradictory outcome and improved despite armed conflict and no foreign pressure. It should be noted that the improving state in contradiction, the Philippines, is as discussed above, the state where the government made the most minimal improvement of those states coded as improving.

Measuring the level of violence more finely would not help to distinguish these two improvers from non-improvers. The level of armed conflict in Ethiopia and the Philippines when they improved was as high as in some states that did not improve. However, in both the violence was a reduction from what had been experienced before. In both the Philippines as in Ethiopia there was at least some chance of negotiated end to the strife. Therefore, there was more cause for optimism among policy makers. It appeared that negotiations were working and government officials would be well served by more conciliatory stands.

Armed conflict that had been going on for twenty years was still a serious issue in the Philippines. The intensity and number of military-rebel encounters continued to be high through 1991, with Aquino's directive that the insurgency be crushed by the end of her term (Lawyers Committee for Human Rights, 1990, p. 3).

President Ramos made efforts to negotiate an end to the insurgencies. He set up a National Unification Commission in

August of 1992, attempting to make peace with the Moro National Liberation Front(MNLF) the Muslim separatist organization, the New Peoples Army(NPA) made up of communist insurgents and the Reform the Armed Forces Movement-Soldiers of the Filipino People-Young Officers' Union(RAM-SFP-YOU) whose members were right wing former members of the armed forces (Country Report Philippines, 1993.2, p. 8). He legalized the Communist Party and offered amnesty to insurgents. There was a decrease from 26,000 New Peoples Army Rebels operating in 1988 to an estimated 11,000 active in 1993 (Country Report Philippines, 1993.4, p. 8).

While these states that improved compliance during armed conflict only improved a small amount and had armed conflict that was declining, their improvement is not all that demonstrates that armed conflict by itself cannot separate improvers from non improvers. There are circumstances under which there was no armed conflict and still widespread torture.

Lack of Armed Conflict in Torturers

One of the configurations in the negative equation gives the circumstances under which states have tortured despite a lack of any armed conflict. That configurations is: ma.NG.fp. Without major armed conflict and with NGOs, with or without links, if there was no foreign pressure, whether or not there was minor armed conflict, these governments tortured. Minor armed conflict and links drop out of the configuration. Four democratic or transitional states did

not have armed conflict and yet continued to torture at high levels: Venezuela, Ecuador, Brazil, and Mexico.

Venezuela was not experiencing internal armed conflict during the period studied. Though there were two attempted coups in 1993, I did not code Venezuela as having armed conflict because they occurred at the end of the period studied and obviously could not have affected government behavior in the time studied. The first, on February 4, involved 1,400 army and air force officers but was put down immediately by troops loyal to the President. In the second, on November 27, insurgents bombed military installations and government buildings but were also quickly stopped (Amnesty International Report 1993, pp. 131-132).

In Mexico's rural states, as in Brazil, violent disputes over land occurred frequently. According to U.S. State Department Country Reports, paramilitary bands, police auxiliaries and local police controlled by political bosses killed indigenous activists. As in Brazil, this was mostly one-sided violence that did not qualify as armed conflict.

Ecuador also had torture despite a lack of armed conflict. There was a very small group of armed insurgents and drug traffickers operating in Ecuador. The group, Alvaro Vive Carajo(AVC) a leftist, nationalist organization with close ties to Colombia's M-19 guerrillas had no more than a few hundred active members. They committed bank robberies, kidnappings and occasionally killed a policeman. This group reached a peace agreement with the government in February of

1991 (Amnesty International Report 1992, p. 104). A small guerrilla group claiming allegiance to the Maoist Shining Path in neighboring Peru emerged in 1992 (Country Report Peru, 1992.4, p. 89). All of these were too small to qualify as even minor internal armed conflict.

While Brazil did not experience insurgency or organized terrorist groups, it did experience high levels of internal violence. Criminal activity and politically motivated murders against indigenous people, street children and labor organizers were common. This was not conflict between two armed groups however, most of the violence was done by paramilitary forces and by thugs hired by land owners to kill and threaten squatters and organizers (Amnesty International, Report 1992, pp. 70-71).

In these states there was violence but not internal armed conflict and yet they continued to torture. Clearly, armed conflict while extremely important is not enough to explain why some states continue to torture and others do not. Another important factor that helps provide the context in which improvement occurs is foreign pressure.

Foreign Pressure

The equation derived from positive outcomes shows foreign pressure as part of the context in which improvement occurs. In the positive equation, there is no configuration that indicates the absence of foreign pressure. Foreign pressure is present in two of the three configurations in the equation for improved compliance and drops out of the third. It does

not matter for the outcome whether or not there is foreign pressure where there is neither major armed conflict nor minor armed conflict and no active NGOs. Foreign pressure is present as a condition in the configuration where there is no major armed conflict and no NGOs where minor armed conflict dropped out and where there is no armed conflict there are NGOs with links.

The second configuration in the negative equation also points out the importance of pressure. When there are NGOs but an absence of foreign pressure, there is a negative outcome whether or not those NGOs have links and whether or not there is minor armed conflict. The other configuration in the negative equation shows that when there is major armed conflict, even in the presence of NGOs with links and foreign pressure, there is also a negative outcome.

Six of the eight states that improved had been subjected to foreign pressure. Of the three states that had active NGOs with links, two, Argentina and Chile, had foreign pressure and one, the Philippines (despite its active human rights organizations) was never the focus of sustained pressure. Four countries without human rights communities, Ethiopia, Uruguay, Suriname and Bolivia, experienced foreign pressure. Benin, like the Philippines did not have pressure. Two of the comparison state, Turkey and El Salvador, experienced some foreign pressure.

Foreign Pressure on Improvers

There was significant pressure on the Argentine military regime to improve human rights practices beginning in the Carter administration. In 1977, the U.S. government reduced the planned level of military aid and terminated direct economic aid for Argentina due to human rights abuses and on September 30, 1978, a law eliminating all military assistance to Argentina went into effect (Forsythe, 1988, p. 106). The U.S. also froze Export-Import Bank Funds in this period. However the restriction on arms sales was lifted in 1980. The Reagan administration wanted to give military aid back to Argentina in 1982 and 1983 but Congressional opposition prevented this from happening (Mower, 1987, pp. 109-110).

Under Pinochet, Chile came close to being an international pariah and at various times lost aid from almost every donor country (Tomasevski, 1993, p. 96). Beginning in 1974, the U.S. Congress placed a ceiling of \$25 million on economic aid to Chile and banned new military assistance although before Carter took office these laws were not actively implemented (Forsythe, 1988, p. 102). The British ambassador was withdrawn in December of 1975 after the torture of a British woman. Diplomatic relations were restored in January of 1980 but a ban on UK arms sales continued. In January 1975, Australia decided to suspend wheat shipments to Chile and in December 1976 France, West Germany, and the UK all favored denying World Bank loans to Chile. In 1976 the Ford administration imposed an embargo on military sales to Chile.

The UN established an ad hoc working group on Chile in February 1975. It visited Chile in 1978 and was then replaced by a special rapporteur. Under the Carter administration, aid and Export-Import Bank credits were cut off (Tomasevski, p. 96). Reagan lifted most of Carter's sanctions and there was an effort to resume better relations with Pinochet (Forsythe, 1988, pp. 103-104). The United States, under Reagan, started asking that Chile be praised for improvements by the UN Human Rights Commission. In October 1980, the U.S. Senate approved an amendment to the Foreign Assistance Bill lifting the embargo on military sales to Chile. However the amendment laid down that the president would need to certify "significant progress" in complying with internationally recognized standards of human rights. Congress continued some sanctions on Chile and in 1985, the Reagan administration began taking a tougher stance toward Chile. In February of 1982, a delivery of French-manufactured tanks was suspended and the French Defense Minister said there would be no more weapon sales as long as the present Chilean regime was in office. The U.S., on December 24, 1987, withdrew Chile's privilege to sell certain products in the United States duty free under the generalized system of preferences (GSP) citing violations of internationally accepted standards of workers rights (Country Report Chile, 1988.1, p. 6).

Bolivia and Uruguay both received pressure from the United States. In mid-1978, the Carter administration briefly

suspended military aid to Bolivia when Asun seized power (Schoultz, 1981, p. 266). This suspension only lasted 25 days, however, later, the Garcia Meza regime received more pressure from the U.S. for its cocaine involvement and human rights violations. Under both Carter and Reagan, the U.S. followed a "nonrecognition" policy and the U.S. veto in the Inter-American Development Bank held up development funds. The UK in 1977 denied a loan to Bolivia's state mining industry because of the human rights situation. The UK reconsidered in February, 1979 citing some improvement in human rights practice. After the 1980 coup, the U.S. withdrew its ambassador from La Paz and suspended all aid and a U.S. military training mission was withdrawn on July 25th. Diplomatic relations were renewed with the U.S. in 1981, Canada in February 1982, Sweden in July 1982 and the Netherlands in September 1982.

Uruguay, in 1977, was one of three states to which the Carter administration denied aid (Schoultz, 1981, p. 257). Arms and services were totally cut off and, by 1978, Eximbank was refusing consider loan applications from Uruguay. The U.S. in 1979 reinstates some of the military aid (Mower, 1987, p. 109). When Reagan took office he shifted the policy to one of "quiet diplomacy". The Reagan Administration reversed policy regarding multilateral development bank loans and no longer opposed loans to Uruguay on human rights grounds¹.

Ethiopia also received foreign pressure because of its human rights record. In 1985, the U.S. Congress mandated a trade embargo. However, it depended on a presidential finding that Ethiopia was deliberately starving its people and had failed to grant its citizens fundamental human rights. The administration decided that the country's government was not pursuing a policy of starvation and consequently did not impose the embargo (Ottoway, 1985). It was difficult for foreign government to apply sanctions that hurt the government when there was such desperate need for food aid in Ethiopia because of severe famine. However, Ethiopia did lose MFN status and the U.S. decided to vote against World Bank loans to Ethiopia but the U.S. and Europe continued to give relief aid (Tomasevski, 1993, pp. 102-103).

The pressure on Suriname to improve its human rights practices, came mostly, but not exclusively, from the Dutch. Suriname which had been ranked first in Dutch aid until 1982, lost Dutch aid after a military massacre of political opponents (Tomasevski, 1993, p. 87). The U.S. at this time ended the \$1 million per annum which it had been providing (Human Rights Watch, 1992, p. 321). The Dutch did not invoke human rights criteria but changed circumstances when they suspended the development co-operation treaty, however the Dutch Prime minister stated aid would be resumed only after concrete steps had been taken toward restoring democracy and fundamental Rights. The Dutch resumed aid to the civilian government in 1987 by giving \$58 million for the year but did

not resume their development program (Country Report Suriname, 1988.4, p. 19). This was significantly less than the \$120 million that Suriname received previously. The Dutch said they would only fully restore aid when three conditions were met: first, serious peace talks with the Jungle Commandos; second, a sharply devalued currency and third, the military returning to barracks for good (The Economist, November 10, 1990). From January 8 to 10 1985, a special commission of the IACHR held hearings at the Hotel Krasnapolsky in Amsterdam, Netherlands to hear testimony of persons claiming that their human rights had been violated since 1983. The U.S. and France were more concerned with Surinam's relations with Libya. In 1986 and 1987 they warned about involvement with a terrorist sponsoring state (Country Report, Suriname, 1987.1, p. 22).

Clearly, compliance has occurred without foreign pressure. In two states where there was improvement, Benin and the Philippines, the government did not suffer significant foreign pressure in regard to their human rights record. While donor countries put pressure on Benin, most of the concern other states showed had to do with economic policy and Benin's links with Libya which the Department of State condemned in 1988 (Country Report Benin, 1988.2, p. 33). Under Carter, the U.S. did vote against some loans and under Reagan opposed IFI aid to Benin based in part on human rights conditions. In 1983, however, Benin was removed from the list of leftist-ruled countries to whom the United States had

consistently sought to deny IFI loans (Mower, 1987, p. 110). There was some pressure from European donor countries to grant the August 29, 1988 amnesty for those arrested for alleged conspiracy against the government but as in other countries dependent on loans, the major pressure was to make agreement for structural adjustments.

The Aquino government did not suffer pressure because of the renewal of torture. This was the continuation of a policy of ignoring human rights abuses in the Philippines. The Philippines enjoyed U.S. support for most of the Marcos period primarily because of security interests. The Subic Bay and Clark Airforce bases were an important part of U.S. defense strategy (Steinmetz, 1994, p. 143). There really was no foreign pressure until the U.S. withdrew support for Marcos immediately before his ouster. Carter did not stop aid to the Philippines in 1977 when he denied it to Argentina, Ethiopia and Uruguay (Mower, 1987, p. 106). There was, however, some opposition to loans to the Philippines. Congress, during the first Reagan administration, adjusted foreign assistance for human rights reasons but this was fought by Reagan. Between 1980 and 1983 aid to the Philippines actually increased 23% (Forsythe, 1988, p. 173). The Reagan administration began to change its policy toward the Philippines only after the murder of Benigno Aquino. In an attempt to distance the U.S. from the Marcos administration, a planned visit by Reagan to the Philippines in November was canceled. The U.S. then withdrew its support

from the government but used its influence to bring down the regime only after the massive fraud of the 1986 election (Steinmetz, 1994, pp. 175-176).

However when the new Aquino government continued to torture or perhaps even increase the amount of torture practiced, no pressure was put on the government to improve its human rights record. The United States had an interest in keeping good relations with the Filipino government for three reasons. The U.S. could now point to an ally that was a democracy so it was not in its interest to look any further. There was also fear that the new government was still unstable and anti-governmental forces could take advantage of any pressure. The third reason was that the U.S. was interested in keeping its bases in the Philippines.

Foreign Pressure on Torturers

Two states experiencing foreign pressure, Turkey and El Salvador continued to torture. One factor may be the vast difference in levels of foreign pressure between states like Chile, which suffered from world pariah status, and those like Turkey experiencing smaller consequences. The reality is that the pressure on these states has not been consistent or overwhelming. However, as discussed above, there was also inconsistent and low levels of pressure in improvers. While there were, as in many other states, more threats than actual sanctions, there were, eventually, some real consequences for El Salvador and Turkey. The pressure was inconsistent but

more serious than for states coded as not receiving foreign pressure.

In the early eighties, El Salvador was the focus of much human rights related attention. The UN General Assembly agreed to condemn the situation of human rights and fundamental liberties in El Salvador at the end of 1983 and the UNHRC named a special representative for El Salvador. Both the U.S. and Canada, while reducing aid, looked for excuses to reinstate it. In November 1980, the situation in El Salvador had deteriorated so badly that the Canadians suspended bilateral aid. While it was stated that the safety of aid workers was the main reason, improved human rights was a condition for reinstating aid. Four years later, Ottawa restored official assistance, arguing that this was justified by improved conditions for human rights.

There had been conflict in the U.S. over whether to sanction El Salvador for human rights abuse. The Reagan administration wanted to continue aid because it wanted the leftist guerrillas defeated. The administration, during the worst abuses in El Salvador as in Argentina attempted to continue its support to these governments by claiming that things had gotten better². In December 1981, the U.S. Congress enacted a law requiring presidential certification that certain human rights conditions were being met in El Salvador before U.S. military and economic aid to that country could go forward. The first such certification took place on January 28, 1982. Three subsequent certifications

were required at 180 day intervals in order for U.S. aid to continue (America's Watch, 1985, p. 3). Four times certification occurred. In November 1983, the president vetoed legislation adopted by congress that would have extended the certification requirement (Americas Watch, 1985, p.3). So, at this time efforts by Congress to pressure El Salvador were all blocked by the White House. However, the Congress continued to tie US assistance for El Salvador to human rights without using certification. In 1984 it withheld 30 percent of funds until concerns were addressed and started a new certification process. But throughout this period aid continued to increase (Forsythe, 1988 p. 14).

The United States did eventually increase the pressure on El Salvador after the murder of six Jesuit priests on November 16, 1989 (Country Report El Salvador, 90.1, pp. 18-19). However, diplomatic visits to the U.S. at the end of January, the arrest of army officers involved in the murders and a more flexible stance on talks with rebels all helped to minimize the pressure the Bush administration felt to exert more pressure on El Salvador (Country Report El Salvador, 1990.2, p. 20). Bush was at this time proposing an increase in military aid and a reduction in economic assistance. In 1990, bills before both the U.S. House and Senate called for cuts of at least 50 percent in U.S. aid to El Salvador. Bush resisted the cuts but Secretary of State Baker had accepted that a proportion of the aid would be made conditional on continuing progress in the peace negotiations (Country Report

El Salvador, 1991.3, pp. 18-19). After a U.S. congressional team visited El Salvador and described investigations into the murder of the six Jesuits as at a virtual standstill, Baker accepted that some aid be linked to progress in this case. In 1990, the House of Representatives voted to cut the military aid allocation for 1991 by half and to make its disbursement conditional on an improvement in the human rights situation and progress being made in the Jesuit murder case. Germany also indicated that its aid to El Salvador would depend on the human rights situation. On October 19, 90, the U.S. Senate confirmed the House of Representatives votes in May to withhold 50 per cent of U.S. military aid to El Salvador in 1991. This would have amounted to 42.5 million (Country Report El Salvador, 1990.4, p. 22-23). While this aid was restored after guerrillas shot down a U.S. helicopter in January 1991. However, pressure for the government to improve human rights conditions continued to build after this period (Country Report El Salvador, 1991.1, p. 26).

The pressure on Turkey came almost exclusively from Western Europe and was limited by strategic concerns. Because of its strategic importance and membership in NATO, Turkey was a large recipient of foreign aid from both Europe and the United States and throughout the period studied, remained one of the largest recipients of foreign aid (Human Rights Watch Arms Project, 1995, p. 30). The United States, though beginning in 1993 to acknowledge and criticize the extent of

torture and other forms of abuse, continued to provide among other forms of aid anti-terrorism training to Turkish police (Helsinki Watch, 1992, p. 70). However, Turkey did receive significant pressure from Western Europe. Most of the pressure came in the form of denial of full membership in the European Community. There was some other lesser pressure put on Turkey at various times. Beginning in 1981, the European Economic community withheld an aid program to Turkey but the really significant pressure came with Turkey's formal application for full membership in the European Community. Turkey failed in its attempt to move from associate to full member of the European community because of both economic and human rights reasons. Turkey formally applied for membership to the European Union in 1987 (Helsinki Watch, 1987, p. 135). In the spring, the European Community postponed a decision on Turkey's bid for full community membership until 1992 (Country Report Turkey, 1991.1, p. 13). The European commission cited among other things failure to satisfy community human rights standards. Since then the European Union has repeatedly cited human rights problems as a barrier to membership (Freedom House, 1991, p. 365).

The difference between those with foreign pressure who improved and those that did not may be the presence of major armed conflict. The comparison shows that improved compliance did not occur when there was major armed conflict. The two states where torture has continued despite foreign pressure both were experiencing major armed conflict.

Foreign pressure may provide part of the context for improvement but only in the absence of major armed conflict.

Conclusion

The most important indication of the role of democratization is that only in states moving toward democracy did the government reduce torture. Armed conflict in many cases distinguished those states from other states either moving toward or already practicing democracy. However this alone cannot explain why no existing democracy improved compliance: there were democracies without armed conflict practicing torture.

One of the strategies used in efforts to improve human rights has been to generate foreign pressure. The QCA analysis indicates that foreign pressure may be important in promoting compliance. The only configuration in the positive equation where NGOs with links were present was when it was in conjunction with the presence of foreign pressure and the absence of armed conflict. However foreign pressure was also part of the context leading to change in the absence of NGO activities. This chapter has shown that NGOs could only have been part of a process of change under particular circumstance. The next chapter will look at how limiting these circumstances are.

¹ For a discussion of changes in human rights policy between the Carter and Reagan administrations see Rossiter, C. 1984 p.25

²For a discussion of claims of improvements in El Salvador see Managing the Facts: How the Administration Deals With Reports of Human Rights Abuses In El Salvador pp. 28-38 or Americas Watch 1985.

CHAPTER 5

HUMAN RIGHTS ORGANIZATIONS

An analysis of states where the government continued to torture despite democracy or transition to democracy shows that greater success for the human rights movements requires more than the movement spreading to and becoming increasingly active in more states. While NGOs with transnational links may have been helpful in decreasing the practice of torture in the Philippines, Argentina and Chile, lack of improvement in other democratic or transitional states indicates their limited role. Even when human rights groups had transnational links to other parts of the human rights movement, they were often unsuccessful in pressuring governments to change repressive practices. The first part of this chapter demonstrates that the lack of progress in the comparison states cannot in most cases be explained by weaker or newer human rights organizations. The difference between successful cases of improved compliance and failed efforts comes instead from the different contexts in which they worked. The QCA analysis presented in chapter four highlighted this context. The second part of this chapter discusses how infrequently NGOs have operated under the more favorable circumstances.

Many studies have concluded that the human rights movement is most effective when the domestic organizations are able to

form links with counterparts abroad (Sikkink, 1993 p. 436, Nemenzo, 1995, pp. 121-122; Brysk, 1993, p. 259; Clark, 1995, p. 525; Garcia-Sayan, 1992, p. 208). Links between local activists and activists overseas are important for local human rights NGOs because they allow them to exert pressure on the international level and to receive additional resources and protection. Human rights organizations should be able to operate most freely and have the greatest opportunity to be part of the process leading to greater compliance in democracies or states in transition to democracy. If NGOs cannot have an impact in these states, it is unlikely they can have much of an impact in any state. Yet this research has shown that there has not been much success even in democratic or transitional states.

Human Rights NGOs in States that Improved

To further understand the possible importance of human rights organizations, it is important not just to know whether or not they were active at the time of changes in compliance but also to know the timelag between their initial activities and improvement in government compliance. Coding for the QCA analysis revealed that domestic and transnational human rights organizations were active in only three of the eight improvers before torture became less severe. Table 5.1 shows the year each improving state was first coded as having NGOs and the year those NGOs first developed links to international or foreign counterparts. It is sometimes difficult to be precise to the year for when NGOs became

active or developed links, but this is the best estimate given available resources. This information reveals both whether it is possible that human rights organizations were a factor in eliciting greater compliance and whether improvement is more likely after human rights organizations have been active for a certain period of time. These considerations are important when evaluating their usefulness and estimating the possibility that the successes in some states will be duplicated in others.

The majority of the states where the government improved compliance did not have actively functioning human rights communities prior to the improvement. Table 5.1 reveals that in only three -Argentina, Chile, and the Philippines- could these groups have been part of efforts to bring about government change, and that in each the local NGOs had also developed links with overseas NGOs, IGOs and the international media. In addition, the NGOs were very active for fairly long periods before the improvement in state practice: from 6 years in Argentina to 15 years in Chile.

While the earliest human rights organization in Argentina, the Argentine League for Human Rights, was founded on December 20 1937, domestic human rights organizations really began operating in the mid 1970s and became very active by 1977. The Permanent Assembly for Human Rights (APDH), the Relatives of Persons Detained-Disappeared for Political Reasons, the Ecumenical Movement for Human Rights (MEDH), the Mothers of the Plaza de Mayo and the

Association of Grandmothers of the Plaza de Mayo were all formed between 1975 and 1977. The Mothers began demonstrating in the Plaza de Mayo in Buenos Aires, in April 1977; on the 15th of October 1981 seven human rights organizations held the first joint demonstration in the Plaza (Human Rights Internet, 1981 p. 75).

Table 5.1

Date of Change in Factors for Improvers

	Impr beg	Tran beg	NGOs	NGOs links	Lag NGOs	Lag links
Argentina	83	82	77	80	6	3
Benin	90	90	90	no	0	-
Bolivia	82	82	*no	no	-	-
Chile	90	89	75	76	15	14
Ethiopia	92	91	93	no	0	-
Philippines	92	86	80	82	12	10
Suriname	90	91	90	no	0	-
Uruguay	85	85	*no	no	-	-

* - Previously existing NGOs unable to continue functioning during era or military rule

Impr beg - year improvement in compliance began

NGOs - year NGOs became active

NGOs links - year NGOs developed links

Tran beg - year transition began

Lag NGOs - number of years active before improvement in compliance

Lag Links - number of years established before improvement in compliance

Chile, like Argentina, had well developed human rights organizations by the late 1970s. New groups began forming in

1974, with the Association of Relatives of the Detained-Disappeared. One of the most important was the Vicariate of Solidarity, established in January of 1976 under the auspices of the Catholic Church (Dreifus, 1990, p.162). In 1978, the autonomous Chilean Human Rights Commission and the Association of Relatives of Executed Chileans were established and Relatives of Persons Executed for Political Reasons first appeared publicly (Human Rights Internet, 1981, p. 197). In 1983, the Plenary Assembly of Human Rights Entities was created and the Sebastian Acevedo Movement Against Torture was created to specifically address the systematic torture of military detainees.¹

Domestic groups in Chile and Argentina were able to make connections with overseas groups and have their reports disseminated in Europe and North America. These Argentine and Chilean groups attracted enormous amounts of international media attention and developed links outside of Argentina early on. The Mothers became the focus of international attention in 1978 when foreign journalists arrived for the world cup games (Human Rights Internet, 1990, p. 118). The Grandmothers visited Canada in 1978, then Western Europe and the United States. They filed petitions with the UN Commission on Human Rights, and the Inter American Commission on Human Rights and in 1983, the president of the Grandmothers addressed the UN General Assembly (Human Rights Internet, 1990, p. 114). Argentine human rights activist Adolfo Perez Esquivel won the 1980

Nobel Peace Prize then went on speaking tour of the United States. Support groups for Argentinean human rights organizations sprang up in Latin America, North America and Europe and Argentinean exiles established branches in cities around the world. The Committee for Human Rights in Argentina(CHRA) was organized in the UK in 1977 (Human Rights Internet, 1981).

Many external groups worked on behalf of human rights in Chile as well. Casa Chile, a foreign human rights group, was founded in 1981 and sponsored a "Boycott Chile Goods" campaign. The Chile Committee for Human Rights, another external group, was set up in January 1974 and was able to complement the mobilization of political support for human rights in Chile (Human Rights Internet, 1990, p. 215).

The Philippines is the third state where active groups had extensive connections with outside media and international groups before torture decreased. The Philippines had one of the most active human rights communities in the world even under the repressive Marcos regime. The Civil Liberties Union of the Philippines(CLUP) was actually organized in 1938 but became very active under martial law (Human Rights Internet, 1981). Nemenzo (1995, p. 112) noted that 'people's diplomacy', the Philippine mass movement and NGOs efforts were a large part of the human rights movement. By 1989, there were more than 80 human rights organizations in the Philippines. Groups like the Task Force Detainees of the Philippines, established in January 1974 by the Association

of Major Religious Superiors of the Philippines, were able to produce printed publications, the 'micromedia' (Mondez, 1988, p. 16-18).

Filipino groups established links with groups abroad. Groups in the Philippines set up hotlines with the foreign media and established communications with human rights organizations abroad (Nemenzo, 1995). Many Filipinos living abroad helped to start solidarity groups. Local monitoring groups channeled through them news about human rights cases for dissemination to the media in their countries of residence. Rosalinda Galong, a worker for the Philippine Human Rights Information Center and the Task Force Detainees writes of their success:

We had no problems...getting the attention of and getting space in the international media. Moreover, a broad network of human rights and Philippine solidarity organizations abroad... relay(ed) the truth about the Philippine human rights situation to a global audience (Galang 1996, p. 48).

In July of 1988, an international lawyers' forum, with the participation of representatives of Asia Watch and several other international organizations, was held in Manila to call attention to the wave of assassinations and harassment of human rights attorneys in the Philippines (Human Rights Watch, 1988, p. 138).

In two other states, Uruguay and Bolivia, human rights organizations already existed and had begun to develop links

in the early eighties, but were unable to continue functioning actively during periods of military dictatorship. This did not mean that human rights activists had stopped fighting the repression. As Luis Perez of Uruguayan SERPAJ wrote in a letter to other human rights organizations:

At this moment... I continue working for the defense of human rights in my own name. There is not a decree that can impede this conviction and consequential action. I am worried about the vacuum created by the prohibition of SERPAJ (HRI Reporter, Nov. 1983, p. 210).

Human rights organizations became active in Bolivia in the 1970s. The Association of Relatives of the Detained-Disappeared and Martyrs for National Liberation(ASOFAMD) was founded in 1970 and the Comision Boliviana de Justicia y Paz in 1972 as an official human rights organization of the Catholic bishops in Bolivia. However, their activities were severely curtailed in the 1980s. According to Human Rights Internet, a U.S.-based organization disseminating information for these organizations, "most Bolivian organizations which were concerned with issues of human rights and social justice were destroyed or forced to go underground, as a result of July 17, 1980 military coup d'état" (Human Rights Internet, 1981, p. 66). Asamblea Permanente de Derechos Humanos de Bolivia(APDHB) was also unable to function; its offices were closed by the military forces and Father Tumiri, its president, was arrested with most of the other directors. The majority of the leaders of The National Committee for the

Defense of Democracy in Bolivia which was founded in April 1980, were arrested during an attack on July 17, 1980 by paramilitary forces (Human Rights Internet, 1981, p. 66).

In Uruguay, NGOs were established after 1980 but were not as active as in Argentina or Chile. The Mothers and Relatives of Detained Disappeared Uruguayans was formed in this period, but they were restricted in their attempts to hold picket-lines and masses in churches. Human Rights Internet reported in 1981 that the severity of repression prevented all of the local human rights groups from functioning openly in Uruguay at that time (Human Rights Internet, 1981, p. 79). There was only one independent human rights NGO really functioning in 1983, Servicio Paz y Justicia(SERPAJ), the Uruguayan branch of the organization founded in Argentina. However it was closed in August 1983 after it publicly criticized the military regime. According to the Lawyers Committee for Human Rights, "the closing of SERPAJ in August 1983, eliminated the only fully functioning human rights organization in the country" (Lawyers Committee, 1984, p. 6).

Bolivian and Uruguayan human rights organizations were not able to maintain useful connections with the outside groups at this time. According to the International Commission of Jurists, "although the situation of human rights was very serious in Uruguay, comparable in all aspects to that of Chile... it was much less well known at the international level." (quoted in De Brito, 1993, p.583) Human Rights

Internet stated in its 1981 directory that it was unable to provide information on groups in Uruguay except to say that none were able to function openly (p. 79) and could provide information on only a few Bolivian organizations that were not currently functioning (p. 66). There were however some overseas groups working for human rights inside these countries. CONADE (Comite Nacional de Defensa de la Democracia en Bolivia) was operating in Washington DC. After the July coup, offices affiliated to CONADE were opened in many cities in the Americas and in Western Europe.

In both these states human rights organizations became active again after the military government lost power and state repression was reduced under the new civilian government. From this point, there were efforts to reduce repressive practices even further, to solidify gains so that human rights abuses would not happen again, and to press for punishment of past abuses (Roniger and Sznajder, 1997, p. 64). In Bolivia, these groups include the Oficina de Asistencia Humanitarian Relief Organization, the Civic Committee for Law and Bolivian Assembly for Human Rights. In Uruguay, in September 1989, the National Coordinating Committee of Organizations Defending Human Rights (CONADEHU) was founded (Human Rights Internet 1990, p. 465). Other groups to become active after the change were the Human Rights Commission of the Uruguayan Bar Association and the Committee of Experts for the Prevention of Torture in the Americas.

While human rights organizations in Bolivia and Uruguay had never functioned at the level of those in the Philippines, Argentina, or Chile, they had started a process of developing an active human rights community with links to activists abroad. Uruguay and Bolivia at least had organizations with trained activists who were able to go abroad or underground if they survived the crackdown.

The other states where the government improved compliance had no history of local human rights organizations. While individual activists and political groups raised human rights issues, there were no actively functioning human rights organizations. They developed during or after the transition period.

When the opposition began to openly challenge the repressive government in Benin they did use human rights language and fight for greater human rights, particularly political rights. The human rights movement worldwide had clearly influenced the thinking of these activists (Novicki, 1991, p. 41). However, Benin did not have active human rights groups working until after the democratization process began and torture had begun to decline. Earlier efforts to organize were put down by the government. A human rights organization called the Support Committee for Former Political Prisoners existed briefly in 1984 until its leaders were all arrested in 1984 on the way to a meeting with the president (State Department, 1985, p. 13). The main opposition to the president formally inaugurated the Benin

Commission on Human Rights on March 30, 1990 to push for a new government. Saidou Agbantou, its president, explained their purposes:

We wanted to force the system to move quickly toward democratization and we thought a human rights commission created by law would be a way of pushing the government along from dictatorship to more respect for human rights (African report, May-June 1991, p. 41)

This was not a group that had been struggling for greater respect for human rights in the period leading up to the change. Newer groups that have started since the change include the Association of Christians against Torture and the League for the Defense of Human Rights in Benin.

Ethiopia did not have active human rights organizations before the change occurred. Human rights activists admit today there was little done to monitor or publicize the horrors during the red terror of the late 1970s (Ethiopia: Red terror relived" 1994). The development of a human rights community began in the early 1990s with the launching of the Ethiopian Human Rights Council(EHRC)in November of 1991 and the beginning of the Inter-African group and Forum-84. By 1992 there were several new human rights groups including Forum 84 and the Ethiopian human rights council (State Department, 1992, p. 1990). While they began activity before the decline in torture, these groups did not at that time form part of an active local human rights community.

In 1985, according to an OAS report, there were no private human rights groups in Suriname, although some individuals

and groups such as the Council of Christian Churches were addressing human rights issues (OAS, 1985, p. 14). By 1988, the Council of Christian Churches had become more active in human rights work by reporting on violations by the military (State Department, 1989, p. 741). On October 12th, 1987, Moiwana '86 was officially registered. This group was named after a village where the military massacred thirty-five people, mostly women and children in November 1986. While it was initially established just to investigate the massacre, it developed into a general human rights group (Human Rights Internet, 1990, p. 458). However its work was greatly reduced after its director Stanley Rensch fled the country in December of 1989 (State Department, 1990, p. 778). Several NGOs were working in 1990 but at reduced levels of activity because of threats. Stanley Rensch returned to Suriname in October 1990 despite new threats in order to help Moiwana continue its work (State Department, 1990, p. 778). By 1991, they were more active and were operating much more freely than they had previously. Although becoming active in 1991, the human rights community in Suriname was still significantly smaller and less active than those in Argentina or Chile.

The situation in Suriname received some attention from international groups like Amnesty and Human Rights Watch, but far less than accorded to Chile and Argentina. There was some awareness of what the domestic groups were undergoing and support for their activities. In 1988, Stanley Rensch,

director of Moiwana '86, was in Washington D.C. at the invitation of the State Department. When he was arrested on his return, "a sustained barrage of international outcries from governments and human rights organizations succeeding in getting him released after eleven days" (Price, 1995, p. 446). They had connections enough to provide some protection. However Surinamese human rights organizations were just becoming active and had not at this time built up extensive links with outside groups.

In sum, the human rights movement could not have been a direct influence on change in most of the states that showed real improvement. Five of these states began the democratization process and moved toward greater compliance without the presence of an active human rights community with links to outside groups. Only in three was it sufficiently active beforehand to be a factor in the change.

Human Rights NGOs in Non Improvers

A careful look at the period 1979 - 1993 shows there has not been greater success in changing government behavior as more NGOs have come into existence throughout the world. By the end of the period studied, human rights NGOs had spread to every region in the world, although Africa and Asia were behind other regions in the development of active human rights communities.

It might be argued that the success in Argentina and Chile stemmed from the size or maturity of the local human rights movement. The infrequency of success elsewhere might mean

only that other human rights organizations need time to develop more fully. Yet an examination of the democracies or states in transition where the government continued to torture demonstrates that frequent torture can occur even where there have been active human rights communities for fairly long periods of time. Table 5.2, showing the year that NGOs began activity and formed transnational links, demonstrates that some non-improving states have had active NGOs with links to international counterparts as long as in those states where the government increased compliance. Thus the reasons for their lack of success involve more than a development process that would be indicated by a time-lag.

By the end of the period studied, most of the states included in this survey of non-improvers had active NGOs for years and many of these domestic NGO communities had links with outside organizations. While in Turkey and Venezuela active human rights organizations had existed for only a short time before 1993, in most of the Latin American countries that did not improve the NGOs started almost as early as in Argentina and the Philippines.

While the level of activity varies in the comparison states, several had human rights communities as active as those in Argentina and Chile. El Salvadorian groups were extremely active throughout the eighties. Socorro Juridico and Tutela Legal tabulated killings by government forces and the paramilitary forces (Americas Watch, 1985, p. 39) The Committee of Mothers and Relatives of Political Prisoners,

Disappeared and Assassinated of El Salvador "Monsenor Romero" (CoMadres) began documenting and publicizing human rights abuse in 1977. They took over the Salvadoran Red Cross Building and organized hunger strikes and

Table 5.2

Date of Change in Factors for Torturers

	NGOs	Links	Lag NGOs	Lag Links
Bangladesh	80	84	13	9
Brazil	79	82	14	11
Colombia	79	86	14	7
Ecuador	82	no	11	-
El Salvador	78	84	15	9
India	86	87	7	6
Mexico	83	85	10	8
Pakistan	83	no	10	-
Peru	80	89	13	4
Sri Lanka	80	89	6	6
Turkey	87	87	12	-
Venezuela	81	no		

Lag NGOs - number of years active before 1993

Lag Links - number of years established before 1993

demonstrations (Stephen, 1994, p. 813). In Mexico, by 1993 more than 50 local groups were affiliated with two national networks (Mexico's Hottest Industry, 1993, p. 16).

Human rights organizations became active in Venezuela, Pakistan and Ecuador by the mid-eighties. Venezuela had

fewer human rights NGOs than the other Latin American states. In Pakistan, before the mid-eighties human rights organizations were not particularly active. The Human Rights Society of Pakistan was not challenging government policy in any way (State Department, 1984). In Ecuador, attention was initially focused on abuse in other countries. This began to change in 1982, when among other human rights activities, the Catholic Church sponsored Ecumenical Human Rights Commission became more critical of government policy and the Committee of the Relatives and Friends of Prisoners was formed. By 1988 NGOs had formed a national network (Human Rights Watch, 1992, p. 210).

In many of the countries studied, the individual organizations not only became active during the period studied but also increased the amount of coordination and cooperation between groups. In Ecuador, the Ecuadorian Front for the Defense of Human Rights (FEDHU) began holding an annual forum in the summer of 1983 when 65 organizations participated in a two-day forum to discuss the human rights situation of Ecuador (Human Rights Internet, 9:3, p.464). In 1986, human rights organizations in Bangladesh formed an experimental coordination council under the umbrella of the Commission for Justice and Peace (CPJ) of the Catholic Bishops' Conference of Bangladesh and the Society for the Enforcement of Human Rights set up a resource center to collect and disseminate information on human rights to the locally-based Bangladeshi community (Human Rights Internet,

9.3, p.425). In Mexico, the Comision Para la Defensa de Los Derechos Humanos(CDDH) published the first issue of its human rights newsletter, *Misiva*, in May 1988. *Misiva* was intended to unify efforts in the struggle for the defense of human rights (Human Rights Internet, 1988, p. 164).

The human rights movement has not been able to operate as actively in all countries or regions of the world. Turkey had active human rights organizations for the shortest period of time. Human Right organizations were still, due to government restrictions, unable to function as actively as those in the other states. Restrictions have been severe and human rights activists have tended to work in one large organization rather than many separate organizations. They could not operate at all after the 1980 military takeover and in 1983, Turkey passed an Associations Law that meant it would continue to be almost impossible for human rights workers to organize (Siesby, 1988). There really was no human rights community until the Human Rights Association(HRA) received permission from the Ministry Of the Interior to start operations in December 1986 (Human Rights Watch, 1988, p. 192). Since then, it has continued to function despite severe harassment and abuse. Several branches have been closed by the government at various times but, by 1993, this organization had forty branches throughout Turkey (Human Rights Watch, 1994, p. 245). A few other groups were established in 1986, such as the Association of Families of Convicts and Detainees(TAYAD) and the Association

for the Defense of Human Rights in Turkey. This group began with 98 renowned intellectuals who were pursued by military prosecutors for signing a petition addressed to the president, demanding respect for human rights (Human Right Internet, 1987, p. 39).

Circumstances of Improved Compliance

Since the amount of time that these NGOs existed and the quality of the human rights movement cannot explain the differences in compliance, the broader context deserves careful attention. One of the factors, links with foreign human rights organizations, was present even in most of the comparison states that did not improve their compliance with norms against torture. In only three of the states where torture was practiced frequently were the domestic human rights organizations not part of the transnational human rights network. Ecuadorian, Pakistani and Venezuelan groups had not by 1993 been able to take advantage of the resources of overseas groups.

The other two conditions, absence of armed conflict and presence of foreign pressure, have not been present as often as transnational links. As Table 5.3 shows, quite a few of the democracies where governments use torture did not fulfill even one of these conditions.

Table 5.3

Foreign Pressure and Armed Conflict in States with Frequent Torture

State name	Lack of Major Armed Conflict	Lack of Minor Armed Conflict	Foreign Pressure
Bangladesh	x		
Brazil	x	x	
Colombia	x		
Ecuador	x	x	
El Salvador			x
India			
Mexico	x	x	
Pakistan			
Peru			
Sri Lanka			
Turkey			x
Venezuela	x	x	x

Links

International human rights organizations, like governments, often have only a certain amount of resources and must focus on certain states. Because of this, organizations in some states have not been able to draw the attention of organizations outside of the country. Venezuelan abuses have received much less attention from INGOs than have abuses in other states. Human Rights Watch published its first report on Venezuela in 1993, but more recently has said it will put

more focus on Venezuela (Human Rights Watch, 1994, pp. 135-136). However, throughout the period studied links between states and transitional and international organizations increased. New INGOs came into existence and older ones increased their capabilities. A greater awareness of human rights issues led to more support groups.

Local organizations in the other nine states have used these links to attract foreign attention, to help connect them to foreign publics, governments and IGOs and to attract financial resources and training (Weissbrodt, 1984, Rodley, 1992, Wiseberg 1991). In many countries one of the most important tasks is protecting local human rights workers. Domestic NGOs make these connections not only through INGOs like Amnesty International and Human Rights Watch but also through foreign-based groups set up specifically to address the needs of a particular country, many of which are founded by exiles and emigrants.

Two important groups working for the benefit of Peruvian rights were the Peru Campaign for Life and Peace operated in the U.S., an exile group, and the Peru Support Group which was founded in 1989 by Peruvian professors concerned with human rights and operated in the U.S. and London (Human Rights Internet, 1990, pp. 442-443). *Info-Turk* is a monthly publication of political refugees in Belgium that has been reporting extensively on human rights issues in Turkey and since 1987, the Friends of Turkey a human rights group founded by 170 politicians and intellectuals located in

Paris, has been working toward greater political rights in Turkey (*Info -Turk*, 1987, p. 6)

The links developed by human rights organizations in many of these states are comparable to those established in Argentina and Chile. El Salvadorian groups were particularly active in developing these links. The Co Madres was the most active domestic Salvadoran group in creating transnational links. In the 1980s, they traveled to Europe, Australia, Canada, U.S. and Latin America (Stephens, 1994, p. 814). Friends of El Salvador committees were established in U.S., Australia, Switzerland, Germany, Mexico and Canada beginning in the mid 1980s. Other outside groups fighting for human rights in El Salvador included the Action Network for Emergency Support 84 - El Salvador (USA) the Comité De Solidaridad Martí (USA), the El Salvador Committee For Human Rights (UK) the National Labor Committee in Support Of Democracy and Human Rights in El Salvador (USA) and El Rescate Human Rights Department (USA) founded in 1986 (Human Rights Internet, 1990, pp. 291-292).

In Mexico, links with groups in the United States have been particularly important. Local activists established links with U.S. activists working on issues on both sides of border. Some groups such as the Binational Center for Human Rights work for the rights of those who live and work on and across the border between the United States and Mexico (Human Rights Internet, 1990).

Outside groups have helped local organizations by publishing reports on the situation abroad and by disseminating the materials the local groups produce. The major western group specializing in disseminating information is Human Rights Internet, which abstracts information provided by human rights organizations for its *Human Rights Internet Reporter*. In many states local human rights activists have cooperated in the production of fact-finding missions and reports. The human rights situation in Sri Lanka was the object of numerous reports and fact-finding missions by non-governmental organizations in the 1980s. Local human rights groups were able to form contacts with overseas groups to draw attention to the situation in Sri Lanka. One of these overseas groups was the Chittagong Hill Tracts Commission which is composed of a group of European, Canadian and Australian NGOs (State Department, 1992, pp. 1125-1126). In Bangladesh in 1984, both the Anti-Slavery Society for Human Rights and Survival International issued reports on repression in the Chittagong Hill Tracts (C.H.T.) (Survival International, 1984).

Overseas groups not only disseminate information to those outside the country but also assist in disseminating it even to those inside by way of citizens abroad. For instance, India Alert (IA), founded in 1987 in the United States, helped local Indian NGOs publicize their reports overseas (Web Page: <http://home.dti.net/foil/economy/ecolgy/indalert.htm>). Two of the most important foreign support groups for Brazil have

been the Committee in Solidarity with the Brazilian People founded in 1972, and Brazil Network, founded in 1987 to disseminate human rights information and put Brazilian NGOs in contact with foreign counterparts (Human Rights Internet, 1990, pp. 184-185).

Local groups have also sought out the help of INGOs to represent local groups and activists to international bodies. Local human rights lawyers in the Latin American countries studied worked with overseas groups like Human Rights Watch and the Center for Justice and International Law to bring cases before the Inter-American Commission on Human Rights (Human Rights Watch, 1994 pp. 88 & 131).

Many local human rights organizations received financial support from overseas. Human Rights Information and Documentation Service(HURIDOCs) for instance held training sessions in both Pakistan and the Philippines in 1988 covering computer networking and documentation. Human rights activists in most of these countries have had training abroad. Mexican activists received training on human rights documentation and Bangladesh human rights activists and tribal leaders went to the United States for training. Groups in some of these countries received funding from the Ford Foundation and other U.S. institutions and also from groups in Europe and the U.S. set up specifically to address human rights issues in a particular country (Welch, 1995, p. 223).

The local groups do not make connections to foreign-based ones without risk. Governments often do everything they can to stop these links. The most drastic way for governments to fight human rights movements is to imprison, torture and kill the leaders or even the rank and file of these organizations. For instance, between 1987 and 1990 Human Rights Watch reported thirty human rights monitors killed (State Department, 1990, p. 557). Human rights workers faced particular danger in Brazil, Colombia and Sri Lanka. Most of them faced harassment, such as mail being checked and wires tapped. In some states human rights organizations are made illegal. However, this strategy is less likely to work in democratic states.

Many times, much of the effort by overseas activists has been concentrated on simply helping to keep local activists alive, out of prison and functioning at some level. Human Rights Watch considers protecting human rights activists one of its principal responsibilities (1992, p. 27). Three of the four activists who founded the Human Rights Commission of El Salvador were killed in 1980 and the fourth in 1983 (Amnesty International newsletter xiii.5, p. 1). Overseas groups attempted in various ways to highlight the extreme dangers that human rights monitors face and to try and provide protection (see generally Wiseberg, 1991).

International and foreign human rights organizations have tried to protect local activists in several ways. One strategy has been accompaniment or escorting. Peace Brigades

International was founded in Canada in 1981 at an international conference on nonviolence for this purpose. Human rights activists from other countries, usually Canada, the U.S. or Western Europe, have stayed at human rights organizations and accompany activists in their activities. The idea is that repressive governments will be reluctant to endanger the foreigners for fear of provoking their home countries (Mahony and Eguren, 1997, p. 1). At the very least the foreigners serve as witnesses when there is abuse. Their testimony can bring pressure to bear on governments persecuting local activists. Peace Brigades International was in Sri Lanka in 1989 and El Salvador from 1987 to 1991. The first accompaniment in El Salvador was by the Marin County Interfaith Task Force on Central America at the request of the nongovernmental Human Rights Commission of El Salvador CDHES (Mahony and Eguren, 1997, p. 155). More recently, some human rights and labor activists have tried the idea of using tourists to protect protesters. Places that are commonly visited by tourists are pamphleted and they are encouraged to go to mass rallies with the hope that their presence will provide some protection for the marchers (Wiseberg, 1991, p. 525).

A strategy that has become more widespread is the use of human rights awards. These are seen as good protection because they draw media attention to activists and give them some legitimacy. By 1981 at least ten awards were given out in the U.S. (Human Rights Internet, 1982, p. 534). Two of

the main ones are the Robert F. Kennedy award and the Reebok award. In 1984, the El Salvadoran group COMA was the first recipient of the Robert F. Kennedy human rights award ("Refugee's Arrest at DC Church Incites Protests," *Washington Post*, March 29, 1989, p. B7). Human Rights Watch also gives out human rights awards (Human Rights Watch, 1992, p. 27). In 1991, they honored Alirio Pedrozan, a Colombian activist who was disappeared in 1990, with an award designed to draw attention to the dangers faced by human rights monitors. There are also awards given by the Council of Europe and UNESCO.

Another strategy is to provide urgent action networks, like SOS Torture, that can be immediately mobilized to draw attention to the arrest or disappearance of human rights activists. These networks are needed to quickly notify people around the world that an activist has been seized. Initially this was done by telegram and fax but now the Internet is also a channel for this information. Human rights activists want to get this information out quickly because the danger of torture and death is greatest in the first few days. In order to do this, these groups do not go through the verification procedures that other groups like Amnesty International do. If they believe that a report may be true they act on it. This is obviously risky because mistakes can and do occur. Governments use these mistakes to publicly question the legitimacy of the organization and the entire human rights movement. However these groups take what

they know is a calculated risk in order to save lives (Wiseberg, 1991 p. 533).

Armed Conflict

Since many states using torture have some form of armed conflict, not to be successful in this environment is a serious handicap. Eight of the thirteen constant torturers had armed conflict, five major and three minor. All five states with major armed conflict were regular torturers.

In the Southeast of Turkey, a major insurgency has been waged by the Marxist Kurdistan Labor Party (PKK) since 1984. Two thousand people were killed in 1992 alone (Freedom House, 92/93). An urban guerrilla group Dev-Sol (Revolutionary path) operating in Istanbul, focused its attacks on police and government officials and killed at least fifteen people in 1993 (Human Rights Watch, 1994, p. 243).

Sri Lanka has also been experiencing major armed conflict and has at various points almost stopped being a functioning democracy. The Tamil insurgency, a separatist movement which began in 1983 in the North, is a conflict between the Tamil minority and the Sinhalese majority resulting in heavy loss of life (Freedom House 93/94, pp. 512-513). Between June and November of 1990, 578 Sri Lankan soldiers were killed, 673 civilians killed and by government estimates 2,000 Tigers killed. There were 320,000 civilians in refugee camps by the end of that year (Country Report Sri Lanka, 1991.1, p. 7). There have been efforts to end this conflict. In 1987, Indian forces entered the country as a peacekeeping force and

attempted to disarm the Tamil Fighters. However, the Liberation Tigers of Tamil Eelam and some other separatist groups opposed the peace accord and continued violence against the government and rival Tamil groups. The Indian force was withdrawn in March 1990 at the request of Sri Lanka's new president Ranasinghe Premadasa. Fighting continued at serious levels (Freedom House 1990/91, p. 338).

There was civil war in El Salvador from 1979 until 1992. On December 14, 1992, the last contingent of FMLN guerrillas was demobilized completing the process started on June 30th (Amnesty International Report 1993). While the government of president Alfredo Cristiani and the guerrillas of the Farabundo Marti National Liberation Front (FMLN) signed a peace accord in January 1992 and a cease-fire in the twelve year civil war was reached in February, the fighting was still lingering at low levels in 1993 (Freedom House, 1993, p. 216).

India has through much of its independence experienced major internal armed conflict. Muslim and Hindu clashes were particularly bad in 1992 and 1993. In one week of July 1992, 1,200 were killed and 5000 injured (Amnesty International Report 1993, p. 154). India had within its borders three significant insurgencies: in Punjab, in the former Assam Province, and in Kashmir. Tens of thousands were killed in separatist fighting (Freedom House 1990/91, p. 196). The combination of conflicts leads to coding India as having major armed conflict.

The armed conflict in Peru was quite severe at times. Sendero Luminoso started guerrilla warfare in Peru in 1980 and the Tupac Amaru Movement in 1984 (O.A.S., 1993, p.2-3). Political violence in 1989 claimed 3,198 lives (Report of the Peruvian Senate's Human Rights Commission). Between 1980 and July 1992, 24,250 people were killed in political violence (O.A.S., 1993 pp. 2-3) Despite the arrest of Sendero chief Abimael Guzman and other leader on September 12, 1992, violence on both sides continued (Freedom House 92/93, p. 410). Sendero and the Tupac Amaru Revolutionary Movement (MRTA) both sought to control Peru's Upper Huallaga Valley. On August 18, 1993, for instance, guerrillas seized twelve Ashaninka villages and killed at least 62 people (Human Rights Watch, 1994, p. 128).

Three states were experiencing minor armed conflict in 1992-93: Pakistan, Bangladesh and Colombia. In 1990 in Pakistan, there was intergroup violence in Karachi and Hyderabad which had begun in 1986 (Country Report, Pakistan, 1990.1). There were also violent clashes between the Pakistan Peoples Party (PPP) and its coalition partner the Mohajir Qaumi Mahaz (MQM) and between the MQM and the police (Country Report Pakistan, 1990.2, p. 10).

For twenty years there was insurgency in the Chittagong Hill Tracts of Bangladesh by the tribal group, the Shanti Bahini. Tension between settlers and the indigenous population began in the 1950s with the building of a dam and a huge reservoir. Thousands of the indigenous population

were dispossessed of their land and received inadequate compensation when the reservoir filled up. The situation was made worse by a government policy of bringing non indigenous settlers into the area (Country Report Bangladesh, 1992.1, p. 11).

According to the Andean Commission of Jurists-Colombian Section, there were more than 4,300 political murders in Colombia in 1992 (Kirk, 1993, p. 664). The M-19 guerrilla movement signed a peace accord with the Government and became a political party in 1990. In 1992, the talks between the government and the Simon Bolivian National Guerrilla Coordinating Board broke off after a insurgents launched a major offensive (Amnesty International Report 1993, p. 96) and insurgency continued although at lower levels than in Peru.

This is not a suggestion that human rights organizations do not or should not attempt reform during periods of major armed conflict. Human Rights Watch points out that they continue to try and protect the rights of people where there is armed conflict (Human Rights Watch, 1993, p. xxvii). One way is by trying to generate foreign pressure.

Foreign Pressure

One of the goals of human rights organizations is to generate domestic and foreign pressure on offending governments. Of course, there are differences among organizations about whether generating foreign, in addition to domestic pressure, is the way to achieve their objectives

and not all human rights organizations attempt to generate foreign pressure. Even while struggling for a less repressive government, they may agree with their government that there should not be outside interference (Robinson, 1995, p. 371).

Human Rights Watch has emphasized how the U.S. government does or does not provide foreign pressure to particular states; each country entry in its annual reports has a section on U.S. foreign policy toward that state. It has been criticized for putting too much emphasis on the U.S.'s role in pressuring others and not enough emphasis on working thorough international organizations (Steiner, 1991 pp. 26-27). Human Rights Watch has more recently widened its criticism to look at pressure from other governments as well.

Given the potential importance of foreign pressure and the ambivalent feelings of human rights activists, it is important to explore the extent to which there has been foreign pressure on governments that did not improve compliance with norms against torture. In Brazil, Colombia and El Salvador, human rights organization became active in the same period as they did in the states where compliance increased. However, in only one, El Salvador, was there any serious foreign pressure to change human rights practice. In the other two neither the local nor the transnational human rights movement was able to generate enough pressure on other states to make them change their relations on the basis of human rights abuse.

An extensive literature points out the problems and inconsistencies of linking foreign aid to recipient governments' human rights records (e.g., Stokke 1995, Tomasevski, 1993). These inconsistencies become clear when one looks at the way pressure was applied or not applied in the states studied here. Many rights abusing governments discussed here have been regularly criticized by other states using the language of human rights, and have human right conditions included in treaties and loan agreements and official statements and press releases. However, as the following discussion illustrates, we often see condemnation, or symbolic or very insignificant sanctions but nothing more.

There was foreign pressure in Brazil in the past, but no pressure on the current government to come into greater compliance with international human rights norms. U.S. Military aid to Brazil was suspended in 1977 (Schoultz, 1981, p. 264) over human rights, but aid recommenced in 1988. There has been condemnation of the Brazilian government's human rights policy but little action following from it. The latest condemnation was in 1993, when the European parliament approved a resolution condemning human rights violations by Brazilian military police (Human Rights Watch, 1994, p. 81). The same pattern of talk but no action has been true for Bangladesh. While countries have expressed concern over the Chittagong Hill Tracts area, there have been no actions following from the rhetoric. In Bangladesh most pressure was

on other aspects of good governance (Kamaluddin, 1993, p. 70).

Conditions for loans may include demands for restructuring that can work against government efforts to improve the human rights situation. The 1993 drop in aid had more to do with Bangladesh's faltering privatization program and the government's failing to implement promised financial reforms². Tomasevski points out "Human rights conditionality has...been added as another layer to the existing multiple conditionality in aid which are not necessarily compatible with each other" (1993, xiii). Some activists and governments have argued that these other issues can work at cross purposes to human rights issues (Human Rights Watch, 1992, p. 78). The focus is on economic control with no real concern for human rights, although some allusion to human rights is now included in most discussions of good governance.

The U.S. has refrained from putting any real pressure on the issue of human rights abuse in Colombia because the government has given the drug war high priority (Kirk, 1993 664). U.S. pressure on Latin American states to cooperate in the annihilation of drug production and export may contribute to repressive acts by the military and police. In 1993, the United States Congress did, for the first time, place Colombia on the list of states subject to special human rights conditions for the disbursement of aid (Human Rights Watch, 1994, p. 88).

Pakistan was one of the states that continued to receive military aid despite bad human rights conditions. Security affairs came before any concerns about human rights abuse. Because of the Afghani war, the U.S. and Pakistan become closer in the 1980s. In 1981, the U.S. concluded a six-year military and economic aid agreement in spite of reports that the Pakistani government was mistreating political prisoners. This action ignored Section 620E of the Foreign Assistance act, which stipulated that aid be used "to promote the expeditious restoration of full civil liberties and representative government in Pakistan." Reagan administration officials defended U.S. policy saying that the Asian subcontinent was too complicated for the U.S. to understand. They said that the U.S. government was not qualified to dispute Zia's definition of the situation without ever explaining in what way it was more complicated than Latin American countries where pressure had been applied (Americas Watch, 1984, p. 90). In 1989, foreign aid was at record levels amounting to \$2.6 billion (Country Report Pakistan, 1990.1, p. 19). When in early October 1990, the U.S. suspended all military and all new economic aid to the country, it was acting under the terms of its nuclear non-proliferation legislation not because of human rights abuse (Human Rights Watch, 1994, p. 173).

The United States government was more interested in the economic benefits of NAFTA than with human rights abuse in Mexico (Bryant, 1993, pp. 232-233; Human Rights Watch, 1994,

pp. 18-19). There was some expectation that NAFTA negotiations would be held up because of pressure on the U.S. government but no real pressure occurred. There was some debate in the U.S. about the Mexican human rights record during NAFTA negotiations. Economic concerns took priority over human rights. As in many other cases, those opposed to sanctions pointed out that greater cooperation might allow friendly diplomacy and improved human rights practices. U.S. officials took the position that membership in NAFTA would improve human rights in Mexico³. John Shattuck, the Assistant Secretary of State for Human Rights, Democracy and Labor, at a hearing before the House Foreign Affairs Committee, claimed that adoption of the trade agreement would enhance human rights in Mexico (Human Rights Watch, 1994, p. 119). There was however during the time studied no concrete pressure.

The human rights situation in Peru provoked much debate and little action. In the early 1990s there was a struggle between Congress and the administration over funding to Peru. Conditions were placed on U.S. funding to Peru in 1991, with Congress eliminating \$10 million in assistance that had been allocated to the Peruvian army (Human Rights Watch, 1992, p. 318). There was a small amount of pressure at the end of the period studied in Peru but it was temporary and aimed at assuring democratic elections not overall human rights practice.

When President Alberto Fujimori dissolved the Peruvian congress on April 5, 1992, there were temporary

repercussions. The Bush administration suspended all new aid and approximately \$25 million in economic aid and 15 million in military aid that had been appropriated but not disbursed from fiscal year 1991, because members of Congress believed that Peru had not yet complied with human rights conditions mandated by law. The U.S. froze commercial military sales to Peru and pulled out all green beret trainers working with Peruvian anti-narcotics police but did not suspend police aid worth \$19 million a year (Americas Watch, 1993, p. 45). With the exception of Japan, which reinstated a \$53 million credit on July 31 other countries did the same as the U.S. However, foreign governments eased the pressure very quickly. In June a World Bank loan for \$400 million was approved. In September, the U.S. was actively supporting an Interamerican Development bank loan it had opposed just after the April coup.

In February 1993, the Clinton administration set conditions for its giving support through the Support Group of donor countries. The Peruvian government agreed to the conditions, including having a dialogue with Peruvian human rights organizations (Human Rights Watch, 1994, p. 130). The lengthy argument about Peru may have been one reason less attention was paid to Colombia, Ecuador or Venezuela.

Economic reasons and ideological reasons have both contributed to the impunity with which the Venezuelan government has committed abuse. The U.S. government gave Venezuela significant military sales and security assistance

funds into the 1990s. This state has been regarded as an important U.S. ally in the hemisphere because of stable civilian governments and willingness to sell oil to the U.S. (Human Rights Watch, 1994, pp. 134-135).

Economic reasons were also important in U.S. policy towards Ecuador. President Febres Cordero, who was elected in 1984, maintained a positive image with the international banking and business community until his last year in office. Reagan refused to criticize Cordero's human rights record publicly. U.S. foreign aid grew throughout the Hurtado and Cordero years reaching nearly 60 million in 1986 (State Department, 1986, p. 488).

Human rights abuse in Sri Lanka also provoked debate and little action. Norway and Canada began reviewing their aid to Sri Lanka in the eighties. Beginning in 1989, Canada became more critical of the Sri Lankan government's human rights record and stated that it was less willing to maintain a large aid program. However, overall aid did not decrease at this time (Gillies, 1992, pp. 51-52). The U.S. continued supporting loans to Sri Lanka. In 1991 Western aid had totaled a record \$1,000 million despite criticism from Canada, Germany and the U.S. (Country Report Sri Lanka, . 1992.1. p. 10). In February 1992, the Paris aid group, of which the United States is a member, pledged a total of \$825 million in financial support and did not explicitly link future aid to progress in fulfilling human rights recommendations (Human Rights Watch, 1993, p. 188). On June

18, 1993, the Sri Lanka Aid Group gave a 15 million dollar increase for 1994 (Country Report Sri Lanka, 1992.2, p 9).

Even when local human rights groups are active and linked to foreign human rights organizations, they are often unable to inspire foreign pressure. Relationships between local and international groups are not without problems. Even the most active human rights organization have difficulties that may not be relieved and may even be aggravated by relations with foreign-based and international NGOs. If a local organization is funded too heavily from abroad it can become dependent on these funds for survival. Being dependent on these funds can lead to control by the funding group (Ambrose, 1995, p. 111; Welch, 1995, p. 224). It may also make them vulnerable to new government measures. Some governments have either prohibited local groups from accepting money from foreign sources or have severely restricted their ability to do so (Robinson, 1995, p. 369; Rodley, 1992, p. 206). This has heavily affected development organizations, environmental groups and human rights organizations. Another problem is that local human rights NGOs can lose legitimacy with the population as a whole if they are seen as too closely connected with outside organizations (Steiner, 1989, p. 70). The links established between local and international organizations can be used to characterize international human rights groups as interfering outsiders. Because this sentiment often exists anyway, and many local human rights movement themselves have ambivalent

feelings towards the international groups, this is not an impossible task. The goal is to have the transnational human rights movement and any local organizations having strong ties to outside groups lose legitimacy with local people.

The existence of armed conflict increases opportunities for the government to discredit human rights activists by trying to associate them with enemies of the state: guerrillas when there is internal armed conflict, or terrorists and subversives when there is not. For instance, in Colombia, General Ramon Emilio Gil Bermudez, Commander of the military forces described the activities of a Colombian human rights monitor as part of an international campaign waged by guerrillas (Human Rights Watch, 1994, p. 8).

While there is no easy way for human rights activists to prove that they are working independently from any political group, two factors contribute to making the governments accusations more plausible. The first is that human rights organizations have traditionally worked to alleviate human rights abuses inflicted by government officials. They have relied heavily on definitions of human rights as what people possess that cannot be violated by governments. Some organizations have seen their role as protecting the rights of people from government abuse and have therefore focused on that rather than on any abuses that other armed groups may inflict. Steiner writes that before the 1980s NGOs almost uniformly considered abuse by nongovernmental groups outside the scope of human rights law (Steiner, 1991, p.

58). The second reason is that opposition groups, including violent ones, sometimes try to associate themselves with human rights movements. There is some overlap in the goals of opposition groups and human rights activists. While certainly the means and stated goals are different they often use the same broad language of liberation and human rights⁴. Thus the very success of the human rights movement in influencing the terms of political debate has created difficulty for activists.

These accusations by governments, along with a desire to stop abuse by any group that effectively controls the lives of people, even if that group is acting in response to injustice, have led NGOs to widen the scope of their activities since the early 1980s. Amnesty International expanded its mandate in relation to opposition groups in 1991:

Perhaps the most far-reaching decision taken in Yokohama was to expand Amnesty International's mandate in relation to abuses committed by opposition groups. Amnesty International has for many years condemned the torture or killing of prisoners held by opposition groups. It will now additionally oppose other deliberate and arbitrary killings and hostage-taking by armed political opposition groups (Amnesty International Report 1992, p. 13).

Many activists and organizations began to address the abuses perpetrated by the rebel movements (see for example: Human Rights Watch, 1994, p .xxvii; Amnesty International, Annual Report, 1992, pp. 66-71). This will make the local human

rights movement look more impartial and help to counter government accusations.

There can also be great tension between local human rights organizations and international organizations. Local activists sometimes feel that they are patronized by Western groups and that they are not consulted before action is taken so they end up working at cross purposes. They often accuse INGOs of only being around during crisis, addressing only short term problems and not being available for the long run (Steiner, 1991, p. 27).

Generating any pressure against democratic or transitional governments is particularly difficult. If a government begins a transition to democracy, foreign pressure often ceases no matter how abusive the new government may be. The new administration is seen as an improvement and there is fear that any pressure will destabilize it. Foreign governments want to be able to claim a foreign policy success and further investigations are against their political interests. This tendency was mentioned in the last chapter in discussing why improvement can only occur up to a certain point but it also may mean in some of the worst cases of torture that improvement will not occur at all.

However, these problems are no different than the ones experienced by human rights organizations in those states where there was success in changing government behavior. One crucial difference seems to be the level of abuse. Human rights issues only make it onto the foreign policy agenda

when the worst levels of abuse get the most international attention. Argentina and Chile had in common that they were among the worst abusers. Where the government practices severe repression, it can become extremely dangerous for local human rights activists to function. When they are able to function, however, they are more likely to attract international attention. The international media and foreign populations and governments are less interested when states are abusing at lower levels. In those states where the human rights movement was active and abuse was reduced to what is a more common level of human rights abuse the improvements did not continue. Attention is not focused on lesser levels of abuse. The kind of international pressure that leads to change is not sustained when there are no longer vast, obvious human rights abuses.

The Argentine and Chilean governments engaged in disappearances and mass killings along with torturing systematically. In a world where there are so many governments abusing it takes killings along with other human rights abuse to get serious human rights pressure. A state where torture is severe but not accompanied by mass disappearances does not provoke as much or as intense public outrage. If a government quietly goes about torturing without killing at a massive level then it may still gets criticism from IOs and NGOs but this will not lead to the kind of public attention abroad that causes governments to apply real sanctions.

Conclusion

Chile and Argentina, if they are examples of successes of the human rights movement, are not signs that the movement is gaining in power and acquiring increased influence over governments' practice. My findings show that even if one can demonstrate that human rights NGOs were important in a few cases, it is because of particular circumstances that have not been often repeated. That is not to say that these organizations were not important in saving the lives of or improving the prison conditions of certain individuals or to deny that they may have changed the terms of the human rights debate. Clearly, they have done both. However, there is not evidence that they can effect state behavior in anything other than very limited circumstances.

One might argue that these human rights movements still need more time to have further impact on states that have moved to multiparty democracy and where the government has lessened the amount of torture it uses. It is possible that states where there has been some improvement will now have greater human rights activity and be able in the future to be in total compliance with international norms against torture. However, the experience of those states that have had active human rights organizations for many years does not point to a trajectory of greater improvement in state practice as time goes on. There have been NGOs for a long time in Argentina, Chile and the Philippines. It took a large amount of financial assistance and time for these states to achieve

some level of compliance and human rights organizations have found it very difficult to pressure the government to the same extent they did before. The first opening should allow them to function more freely and have the greater access necessary to garner public support and influence policy. However, even in Argentina, which is held up as a state that had a really exemplary NGO system and network, they were not able to bring about total compliance. After an initial sharp decline, torture actually increased somewhat, not anywhere near the level it had reached under the military government, but still far from total compliance.

After the worst is over, human rights groups have new difficulties continuing their work as actively and effectively as they did when the government was more repressive. The greatest abuse can often be ended by a new government that ceases a practice of deliberate systematic torture. However to arrive at and to stay at very low levels to torture requires deeper structural and cultural changes. While NGOs certainly are aware of this, they have difficulty getting these issues addressed. When the worst abuse stops, there is less domestic support. Often, as was the case in Argentina, people see the crisis as over and want to get back to normalcy. This desire can cause resentment towards groups that once enjoyed wide support. Roberto Garreton Merino, who was the national legal director of the Vicariate of Solidarity in Chile, has discussed this difficulty for human rights organizations:

We have to be careful not to get into the same bind that some of the Mothers of the Disappeared in Argentina got into when they said that nothing was enough. Most Argentines just didn't understand them... It is a terrible challenge for human rights groups: to be careful not to cut links with the rest of the population (quoted in Dreifus, 1990, p. 163)

Human rights workers have reported similar problems in the Philippines (Galang, 1996, pp. 49-50; Nemenzo, 1995, p. 123).

Human rights activists also have more trouble drawing international media attention and foreign pressure. In a crisis many domestic and overseas groups can work together but afterwards rifts are likely to develop. The interests of first and third world NGOs are most likely to be the same when local groups are focusing on urgent rather than long term issues. International human rights organizations often turn away when the worst is over and redirect their attention to other crises. This problem was discussed by local human rights activists at a retreat sponsored by the Harvard Human Rights Program:

in the transition period, all these international groups drew back...Then we lost touch with those organizations. That's terrible for us because there is a kind of central decision, that when a country starts a new process, there is no longer any need for international action and support (Steiner, 1991, p. 51).

Bolivia and Uruguay are examples of states where NGOs only began to operate freely after the ouster of the military and therefore states where one might expect to see further improvement. Yet even in them there has not been a steady

path to compliance. As in the states where NGOs had been operating all along, initial improvement tended to be sharp and then stagnated.

Human rights organizations have lobbied for the establishment of government structures to make sure that the worst abuses could not happen again. Such offices do not seem able to deal with the smaller scale abuses that have happened under civilian governments. Human rights groups also tend to focus on punishing the acts of previous governments by fighting immunity laws. The idea is that officials should see that following orders is not an excuse for the kind of abuse that occurred under the military governments. But again this focuses attention on the massive disappearances that occurred in the past and away from the lower levels of torture and brutality that are the current reality. Human rights organizations have been struggling with these issues as well but doing so with less support from the population in general and less attention and support from abroad.

¹This group grew out of an act by Acevedo who set himself on fire to try and gain freedom for his children. It held its first demonstration in September of 1983, in front of a secret Chilean Secret Police(CNI) detention center. The group followed this with other demonstrations intended to expose torture centers. Members also held vigils and demonstrations in front of the Ministry of Justice and other government buildings(Wiseberg et al. 19 p. 207).

²For a discussion of conditionality in Bangladesh see:Hossain. pp. 250-271

³NAFTA, which was implemented in January 1994, does include the North American Agreement on Labor Cooperation which includes an obligation to "protect, enhance, and enforce basic workers' rights."

⁴See for instance Welch's (1995) discussion of opposition groups in Africa

CHAPTER 6

CONCLUSION

Between 1979 and 1993, the human rights movement spread, new organizations formed, many of those in existence became larger and more active, and links among national, and regional and international NGOs increased. There was also a great increase in awareness of human rights issues and the invocation of human rights ideals by governments, activists, IGOs and insurgents. Yet this new rhetoric has not been matched by an overall improvement in the way humans are treated by their governments or much change in the extent of torture. There was improvement in compliance with international norms against torture in only eight states. Some moved from frequent torture to only torturing sometimes while others moved from that level to where torture was practiced never or only occasionally. Yet in none of the six states where torture had been practiced frequently was total compliance sustained.

Even this modest amount of improved compliance is noteworthy given that human rights involves a hard case for compliance. This is a traditionally domestic issue where the lack of incentive to cooperate, the absence of inter-state damage caused by violation, the nonreciprocal character of human rights treaties, and the difficulty in demonstrating government responsibility for some human rights abuse make

compliance with human rights norms much different and more difficult than cooperation in other issue areas.

Sources of Compliance

Domestic Factors

The QCA analysis used in this study provides another way to examine some of the factors presented in the statistical and case studies as promoting or hindering compliance. These studies have emphasized the importance of domestic factors on government respect for personal integrity rights (Henderson, 1991, 1993; McKinlay and Cohan 1975; Mitchell and McCormick, 1988; Park, 1987; Poe and Tate, 1994).

Both the cross-national study presented in chapter three, and the analysis of selected governments' behavior in chapters four and five, present evidence of the importance of type of political regime. Previous studies have demonstrated that democracies torture less than non democracies. This was confirmed in analysis of state compliance from 1979 to 1993, which showed that only states moving towards democracy improved compliance. However, all of these states had new governments; no established democratic government that used torture improved its compliance in the period studied. Certainly, the observation that all the improvers were headed toward democracy lends support to the argument that democracy is important in lessening state repression. However, the fact that established democracies did not improve their compliance demonstrates that democracy is not sufficient; democracies are not necessarily open to the human rights

movement's efforts to increase compliance with human rights norms.

This study also demonstrated that in many cases the presence or absence of armed conflict distinguished democracies or states in transition that complied from those that did not. However, the QCA analysis reveals that while there was never compliance during periods of major armed conflict, minor armed conflict is not by itself sufficient to understand why some democracies improved compliance and others did not.

While this study confirmed the importance of type of government and the level of armed conflict it also demonstrated that examining them in isolation misses an important part of the picture of compliance. Domestic factors alone do a poor job of explaining state behavior. This study thus elucidated the contexts under which states in transition or democracies improved their compliance and the circumstances under which minor armed conflict might be overcome.

International Regimes

It is clear that membership in one of the human rights regimes addressing torture does not help to define the context. Human rights activists and scholars have looked to greater codification of human rights and to wider participation in the specific multilateral human rights conventions to increase respect for these rights. While governments have engaged in some level of cooperation on

issues of human rights by creating and signing conventions, there is no evidence that this membership has changed their behavior. Conway Henderson (1988) argued that human rights conventions were not affecting state behavior. This study shows that five years later, there was little evidence of change in the area of torture. The three conventions against torture have not been a major influence to increase compliance in member states. Many of the states where there was improved compliance were not members of the UN or regional regime until after they had already improved compliance, while many states that joined have continued to torture at high levels. There is no indication that states such as China and Turkey joined the UNCAT with any expectation that actual compliance would be required. To sign on to these conventions did not constitute a costly policy because there was no expectation that the norms would be enforced. Signing carried no more risk of sanction or disgrace in the international community because when a state receives pressure from other states it is regardless of whether the target state is a member of conventions banning the practice of torture.

Foreign Pressure

The analysis in chapter four showed the importance of foreign pressure in providing the context in which states improved compliance with norms banning torture. Minor armed conflict was present in a configuration with a positive outcome(improved compliance) only when there was foreign

pressure. In addition, the only situation where NGOs with links to the international human rights movement were part of an equation with a positive outcome was when there was foreign pressure. Further, when local NGOs were active but there was no foreign pressure compliance did not improve whether or not those NGOs had links and whether or not there was minor armed conflict. However, the chapter five analysis of the states that tortured widely demonstrated that foreign pressure was not applied very frequently; only two of those state received significant foreign pressure. Foreign pressure cannot be the solution to human rights abuse if states are not using it.

Some scholars studying compliance with international obligations have focused not just on sanctions or specific pressure but also on the importance of reputation. As Oran Young has written, "A reputation for trustworthiness is one of the most valuable assets that any member of international society can acquire" (1989, p. 75). Human Rights Watch bases some of its strategy on the belief that reputation matters.

We try to stigmatize abusive governments by publicizing their conduct so governments realize that they will have to call a halt to human rights violation if they wish to regain their international reputation (Human Rights Watch, 1992, p. 21).

The analysis here suggests that concern for reputation is not great enough to elicit full compliance with human right norms. Rather, it gives credence to the argument that total compliance with international norms is not expected only non

compliance within established boundaries. Joshua Goldstein (1994, p. 225) has argued that Iraq's invasion of Kuwait was immoral for going "beyond the normal amount of cheating that states get away with." When it comes to human rights, it appears that the amount of acceptable cheating is quite large.

Human rights are violated so frequently that only the very worst offenders like Chile are considered pariah. Violating norms against torture is unlikely to affect treaty negotiations in other issue areas except in the most egregious cases when torture is combined with massive disappearances or killings. In their broad study of compliance, Chayes and Chayes' (1993, p. 197) observe that even parties committed to human rights have different expectations about compliance with human rights treaties than with other regulatory treaties. This study confirms this conclusion when it comes to norms against torture. Human rights norms are not taken as seriously as many other norms.

NGOs

Many observers have emphasized the importance of local human rights activists in efforts to secure compliance. Recently, they have received attention not only for their direct impact on government behavior but also for their hypothesized impact on international relations. NGOs are seen to be important in their efforts to call attention to the existence of human rights norms, to promote those norms, to conduct fact-finding, and to pressure for implementation

(Brysk, 1994; Sikkink, 1993; Wiseberg&Scoble, 1976; Steiner, 1991).

This research focused specifically on one particular kind of threat to personal integrity. The sole focus was on whether the government in each state reduced its use of torture. I did not explore whether governments decreased other forms of human rights repression, nor did I focus on other ways that human rights organizations may have had an impact. However, this research can nonetheless contribute to a broader discussion of the role of human rights NGOs in increasing respect for human rights. The right to be free from torture has been such a central focus of so much NGO work that it is not unreasonable to use progress in eliminating torture as one measure of the work of these organizations.

The exploration provided in this study of circumstances under which some governments in states that are democracies or in transition to democracy reduced the amount of torture practiced and others did not yields insight into whether human rights organizations could have made any difference. It has shown that NGOs could only have been part of a process of change under very limited circumstance. They have to this point had, at best, only very limited success in what would seem to be their main task, changing state practice.

Civil Society

Some analysts argue that NGOs influence government behavior through their activities not only in domestic civil

societies but in an emerging global civil society. Human rights and environmental organizations are conceptualized by some as "new social movements". These are defined by Lorraine Elliott (1994, p. 223) as organizations that "speak not for themselves, but in the interests of broader social values." Together these organizations are supposed to be creating a global civil society that can effect state behavior. Gordon Christenson (1997, p. 33), provides a typical example of their claims in writing that civil society:

stands apart from the dominion of sovereign states and international regimes. World civil society is made up of individuals and groups in voluntary association without regard to their identities as citizens of any particular country, and outside the political and public dominion of the community of nations. The voluntary associations of this world civil society include religious organizations, private business organizations, the information and news media, educational and research organizations, and nongovernmental organizations.

Many scholars, focusing on environmental and human rights issues write of the existence of a global civil society (Wapner, 1995; Falk, 1987; Christenson, 1997; Otto, 1996; MacDonald, 1997; Lipchutz and Mayer, 1997; Walzer, 1995).

Diane Otto argues that:

The growth of international civil society is both reflected and bolstered by the ground swell of NGO participation in international conferences. It has introduced a new dynamic of embryonic participatory democracy to the global community and to the shaping of international law (p. 120).

While NGOs are often excluded from the official multilateral negotiation and policy review processes, these scholars argue

that they make a significant impact with their actions at parallel conferences or counter-conferences or in their informal influence at these conferences (e.g., Falk, 1987 p. 187; Claude and Davis, 1996).

This study provides additional evidence that transnational links have been established in the issue area of human rights. All twelve states where torture was practiced frequently had active NGOs by the end of the period studied. In nine of these twelve states, the domestic human rights organizations were part of the transnational human rights network. Local organizations in these states have, through these connections, generated foreign attention, disseminated their information to foreign publics, governments and IGOs, receive financial resources and training, worked to influence the policy of transnational organizations and received some measure of protection for local human rights workers.

There is greater communication between organizations from various states and they have gained greater influence in international communication and interaction. It is important that NGO have helped establish norms and that these norms may have altered the language of state actors and their interactions, but the establishment of these links can only be successful, only mean something significant, if there is change in governments' practice. While it is clear that the links exist, it is not clear that they are having a significant impact on most governments' human rights practice.

Change in Language

Some analysts have claimed that the success of the human rights movement can be partially measured in terms of change in statements made by governments rather than just in concrete improvements in state practice (Waltz, 1991; Sikkink, 1993; Brysk, 1993). The human rights movement has helped to shape the discourse of states and the change in language, it is claimed, indicates the existence of a universally accepted norm and a changed attitude towards sovereignty that may lead to a change in behavior. Governments have become more willing to acknowledge that they do have an obligation to improve their compliance with norms against torture.

Clearly, language has changed. Governments answer accusations that torture is practiced in their state by denying the charges altogether, denying that the problem is as serious as their critics claim, asserting that they are making a genuine effort to change the behavior of officials, claiming improvement has occurred and greater compliance will be forthcoming and by making counter accusations against any foreign government that accuses them. For instance, in 1991 President Fujimori acknowledged human rights violations by Peruvian security forces but called them occasional excesses (Amnesty International Report 1992, p. 213). Prime Minister Turgut Ozal in an advertisement in the Wall Street Journal (advertising section May 26, 1987) denied that there was any torture in Oru prisons. The distinction between challenging

the norm and challenging the accuracy of the accusation is an important one. Denying that the abuse is occurring or claiming that progress is being made is implicitly acknowledging that the norm exists. Questioning the accuracy of the accusation and the motives of those making accusations of abuse is not the same as questioning the norm. John Ruggie has pointed out that this trend is not universal:

[C]ertain governments accused of such violations have gone to considerable lengths to deny or to excuse their behavior, thereby implicitly accepting the legitimacy of the very rights they have been abusing, but other have largely ignored external criticism and condemnation (1983, p. 100).

Scholars and human rights activists both claim that by accepting the existence of a norm against torture governments are demonstrating a changed understanding of sovereignty. By accepting an international obligation to refrain from torturing its citizens, a government is in fact agreeing to limits on its sovereignty.

The view of scholars like Sikkink (1993, p. 141) that acceptance of human rights doctrine is a powerful critique of sovereignty can also be seen in the statements of human rights activists. Groups like Human Rights Watch have claimed that there has been a very serious change in the way sovereignty is viewed within the international system.

The tired formula that the way governments treat their own citizens is an internal affair, not the appropriate subject of international discussion, lost resonance even among the governments most

resistant to international scrutiny (Human Rights Watch, 1992, p. 1).

Thus, as Human Rights Watch continues:

The principle of sovereignty must be adapted in such a way as to balance the rights of states with the rights of people, and the interests of nations with the interests of the global neighborhood (1992, p. 2).

Yet many governments make clear that efforts by other governments to do anything about violations of human rights norms -- even just drawing attention to them -- are an unacceptable challenge to their sovereignty. The Indian Government, for instance, has strongly asserted the prohibition of interference in internal affairs and rejects human rights conditionality on loans and aid as a violation of state sovereignty (Tomasevski, 1993, p. 11).

Many governments also manifest clear hostility towards representations of NGOs, INGOs or IGOs who investigate and report on human rights abuse. Turkish State Minister Ayvaz Gokdemir, referring to three female members of the European Parliament who were visiting Turkey in May 1995 for talks on human rights and a proposed customs union with the European Union, stated:

We are not going to release these traitors for the sake of the prostitutes of Europe who have come to us I do not even know as what. May God have mercy on us and save us from these coalition partners (quoted in European parliament press release, June 14, 1995).

It is possible that the change in the language of governments is a reflection of a change in attitude that will lead to more compliance but changed language is not a sure indicator greater compliance will occur. Rather than being a step toward compliance, a change in language might be undertaken to cover continuing torture. Ruggie argues that universal rhetorical adoption of human rights terms "obscures rather than signifies any meaningful international normative change" (1983, p. 99). Just changing one's language may in fact be enough to quiet international pressure. Governments may not feel any need to then conform their behavior to their words. Amnesty International points out that the Turkish government was claiming that the walls of its police stations would be "made of glass" at the same time as deaths from torture were rising in 1992 (Amnesty International Report 1993, p. 4). President Collor stated in 1990 "We cannot and will not again be a country cited as violent in reports by Amnesty International... We will not allow the 'new Brazil' to accept any form of disrespect for human rights" (Amnesty International Report, 1991, p. 3).

Governments have grown more sophisticated in their treatment of human rights issues. Many have hired public relations firms to make their defense against accusations of human rights abuse (Schoultz, 1981, p. 52-53, 65). The Center for Public Integrity identified ten U.S. foreign aid recipients which are serious human rights abusers and spent \$24 million on lobbying, legal representation and public

relations in the US in 1991 and 1992 (Brogan, 1992). As Wiseberg points out (p. 531) governments now produce reports "using all the appropriate international human rights language and symbolism" at the same time they follow policies of human rights abuse.

Changes in Foreign Policy

NGOs have had some success at changing the foreign policy of states providing aid to other states. Sikkink argues that there was a "fundamental shift in the perception of long-term national interests" and that NGOs were "influential in introducing human rights ideas and reinforcing human rights policies" (1993, p. 140). Thakur (1994, p. 153) points out that this occurred in the 1970s when NGOs began to act as "systemic modifiers of state behavior." Donnelly (1996, p. 391) argues that the conflict between human rights and national security "has been substantially reduced". Rather than only looking to the traditional economic and security interests of the state, some governments have begun to make human rights considerations part of their policy making process. Many governments began to use the language of human rights and to occasionally put sanctions on states that were considered to be rights violating. In this period some governments have made human rights considerations an explicit part of their foreign policy. This policy effects their decisions on bilateral and multilateral trade, foreign aid to developing nations and more general diplomatic relations.

However the actual change in donor governments has been modest. As discussed in chapter four, only two of the worst torturers received any significant foreign pressure and it was hardly of the scope applied against Chile or South Africa. Only in the worst circumstances have human rights considerations had serious impact on decision making. In other cases, human rights are brought up when these concerns were congruent with other interests. Otherwise human rights practice was often dealt with in only the most superficial way. For example, as discussed in Chapter five, there was condemnation of the Brazilian and Bangladeshi government's human rights policy but little action following from it. In Bangladesh most pressure was on other aspects of good governance. In Colombia, the drug war had higher priority. Security affairs came before any concerns about human rights abuse in Pakistan, and the United States government was more interested in the economic benefits of NAFTA than with human rights abuse in Mexico. In some cases it seems that states merely have a new language to use when pursuing state interest. Thus, in reality, human rights organizations may not have influenced state practice by changing the way foreign policy is practiced to any great extent.

Though even inconsistent and weak pressure is a significant departure from previous practice, arguments that this change is the beginning of a wider change in how foreign policy is practiced are difficult to sustain. The situations in which governments have actually let the human rights practice of

aid recipients influence their foreign policy decisions are so constrained that the impact of human rights organizations on foreign policy has to be rated as real but very limited. It is questionable whether new pressures have influenced states to act against their immediate material self-interest in more than a few instances. The examples of governments giving human rights serious weight in policy decisions are the exception to the rule, occurring in very particular circumstances. There have been and probably will continue to be occasions when serious pressure is applied but there is no evidence that this is the wave of the future.

The true way to measure the success of these movements, to see whether changes in language and state foreign policy are an important step on the way towards a decrease in human rights abuse is to assess how much success they may have had in changing government behavior. In terms of how they have actually reduced human rights abuse there are claims about improvement in individual cases, improvement in a few states and about more widespread impact and improvement.

Impact on Individuals

NGOs can also claim success in affecting the fates of individuals in states where torture continued or even increased. Human rights NGOs clearly have been able to alleviate suffering in more than the eight states that were identified in chapter three as improvers. In fact, saving identifiable persons is a tangible goal of many NGOs. Amnesty International reports often give names, ages and professions

of people being abused and direct campaigns towards their release (see Amnesty International Yearly Reports). While it is difficult to ascertain the impact that NGOs have had in the release of a particular prisoner or in alleviating the severity of torture that a prisoner suffers, most observers and participants agree that there have been effects. Amnesty will not itself claim that it was responsible for any particular improvement (Amnesty International, World Wide Web, <http://www.amnestyusa.org/about/history.html>); however prisoners have reported that when the letters from Amnesty International increased their conditions get better. Those who become the focus of international attention, in many cases, fare better than the ordinary detainee. As noted in Chapter three, Stanley Rensch, director of Moiwana '86 was released in 1988 from a Surinamese prison after an international outcry made by Human Rights NGOs and foreign governments.

This phenomenon is also noted by Robert F. Drinan (1994, p.

1) who writes:

I personally witnessed the impact of an "urgent action message" from Amnesty. In the 1980s I was on a human rights mission in Chile--immediately before Pinochet was removed from office by a democratic election. The government in Santiago had just imprisoned and sentenced to interior exile a prominent physician because he had stated openly that the government was engaged in torturing political dissidents. Within a day Amnesty had alerted over fifty nations to launch a protest. The ambassadors of these nations in Chile brought intense pressure on the Pinochet government to release this political prisoner. Within seventy-two hours the outspoken doctor was back with his family.

This kind of publicity, and at times even that which is limited to national media, can stop someone from being tortured or shorten the amount of time they suffer.

Another way that human rights organizations have had an impact is by making secret practices public. They have reduced the ability of governments to abuse in silence. Secret detention centers are made public, the cases of those who were meant to disappear quietly are publicized, graves are exhumed and stories told. One of the most important functions of human rights organizations has been to provide information. To a great extent, the knowledge of abusive practices on which IGOs and foreign government base policy decisions comes from the work of these organizations. The media also often relies on this information. This information is important not only because it may be a necessary first step in the process of changing state behavior but also because it is important to victims and their families. Many victims have expressed as one of their primary goals the desire to let the abuse be known. This is particularly true when family members have been disappeared.

Some argue that there is a problem with focusing on the tangible satisfactions of differences in the lives of individuals because it draw attention away from things that are more import for a whole people or a society. However, given the current state of human rights in the world, analysts and activists are being most realistic when they

base their claims on this sort of success. For instance, Rosenau claims that:

...individual members of Amnesty International work on specific cases of illegal imprisonment and torture, but the collective sum of their efforts makes a substantial contribution to that dimension of global order through which a modicum of human rights is preserved (1992, p. 5/6).

Cases of Improvement

My analysis does confirm that in some states torture was used less in 1993 than earlier. The human rights movements have been part of a process of change in Argentina, Chile and the Philippine. In Uruguay and Bolivia, NGOs were operating before a military crackdown but ceased to operate under military dictatorships. However the impact of their initial existence and continued work cannot be discounted. The drastic improvements in government practice in Argentina and Chile have given hope to the movement and provided material to scholars looking to demonstrate the usefulness of non-state actors. The improvement in another state held up as an example of human rights success, the Philippines, is much less impressive.

However, it has not yet been demonstrated that these improvements are, rather than exceptional cases, the first successes of a movement that can have widespread impact. This dissertation has shown that these are virtually the only cases where domestic NGOs could have had an impact on improvements with norms against torture. As discussed in

chapter five, as the movement has spread there has not been a spread of greater compliance with international norms against torture. In most states with active NGOs, human rights activists continue operating, working to save lives and reduce suffering without having had and broader impact on the level of torture practiced in the country.

The pattern of improvement in the period studied suggests that the efforts of human rights NGOs to end the practice of torture can be successful where there is a broader movement toward democratization. Torture was reduced significantly only when the repressive government lost power and a democratization process was undertaken. There was no significant reduction in torture in states where the same government continued to run the state. While a transition did not guarantee that governments will stop torturing, such a change in government does provide a necessary window of opportunity.

The comparison undertaken in chapter four between states where the government improved compliance and the group of states in democracy or in transition to democracy where the government continued to torture shows that activists cannot always take advantage of this window of opportunity. Human rights groups have been present during a change toward greater compliance when there is no armed conflict or when armed conflict is declining and when there is a significant amount of foreign pressure on the offending government. As discussed in chapter four, these circumstances are not

common. Indeed most governments that are torturing extensively are engaged in domestic armed conflict and are rarely subjected to any serious sustained pressure. Therefore it does not seem likely that the cases of improvement will be widely duplicated.

Human rights NGOs have been most likely to gain allies, both domestic and transnational, when the government abuse is of the most extreme nature. Foreign pressure is unlikely in other circumstances. When there is extreme abuse, not only torture but also widespread killing or disappearance, activists can more easily obtain and maintain the attention of INGOs, foreign governments and the media. Governments can torture at medium or even extreme levels as long as they do not also engage in disappearances and killings. One reason may be that torture is not as final and not as easily proven. Forms of torture have changed in many places, particularly in the late eighties and early nineties. While the methods and practices of torture vary widely from region to region and even from state to state, many torturers now use methods that are very difficult to document. Implements such as plastic bags and hard-boiled eggs are ordinary objects whose presence can be explained away and their use leaves either no marks or marks that disappear after a few days.

Claims of Greater Improvement

Steady improvement in only eight of the states studied in the 1979-1993 period does challenge the most pessimistic claims that governments are unlikely to improve their

compliance with international norms on human rights. Though the improvement is modest, it should be remembered that human rights issues constitute "least likely" cases of compliance. Some governments do not regard improved compliance with human rights norms as in their interest because it limits the means they can employ for remaining in power. In addition, there is little reciprocity among governments because one government's violation of its own people's human rights does not directly impinge on the material interests of other governments. So far, only a few governments have come (either on their own or via pressure by their own publics) to regard human rights violations as a significant issue in inter-state relations. The net result is a "culture of non-compliance" where even significant levels of human rights violations are ignored, if not actually condoned.

At the same time, the modest level of improvement challenges the more ambitious claims about the broader importance of these movements in influencing government practice. Ann Marie Clark, for instance, claims that:

[human rights and environmental] NGOs foster the creation of an international public consensus on principles of human rights and the environment that tends to impel responsive states to adhere to new legal and behavioral norms (1995, 508)

Yet the amount of attention devoted in the literature to only a very few cases makes one wonder how large the pool of "responsive states" Clark describes actually is. When activists and scholars do discuss cases they only point to a

very few cases that are to demonstrate the first fruits of network labor. One repeatedly comes across reference to Chile, Argentina and, to a lesser extent, the Philippines. These are indeed cases of improvement, but there is of yet no evidence that they are harbingers of a wider trend. This dissertation has shown that when it comes to international norms against torture it appears that the pool of improvers is small.

Neither is it clear that the modest success can be regarded as the result of insufficient time for NGOs to bring about compliance. As argued in chapter four, the success rate of human rights organizations in many states that have had such organizations for a long time does not lead to great confidence that greater improvement follows from more years of existence. The trajectory of state practice does not reflect an improvement over time. In addition, the pattern in those states where there was improvement shows that this improvement is not always the initial movement that leads to eventual compliance. As discussed in chapter three, even in Argentina NGOs were not able to successfully pressure for total compliance. After an initial steep decline, torture actually revived somewhat. In Uruguay and Bolivia, total compliance was achieved for a few years but was not sustained.

NGO Goals

Some who write of human rights organizations find it unacceptable to measure their success by whether there has

been a reduction in repression. Welch argues that it is not the responsibility of human rights organizations to correct massive abuse. Their task is to document, publicize and press for change but solutions are the responsibility of the government (1995, p. 285). Brett argues that "to blame them for failures is no more reasonable as does not take account of what they are actually trying to do: to influence attitudes, not govern the world" (1995, p. 110).

It is undoubtedly true that human rights organizations cannot be blamed for continued abuse. However, given the time that has passed since the beginning of the human rights movement and the claims of the political and social impact of NGO activities, it is important to focus on when and under what circumstances these organizations were part of a change in government practice. Other measurements of the impact of human rights organizations such as changes in foreign policy of aid-providing states and changes in state language are important to the degree they lead to reduction in human rights abuse. However, if the main goal of human rights organizations, the reduction of human rights abuse, is not achieved one may have to look to other strategies.

The fate of citizens still remains at the mercies of governments as influenced by the domestic and international context, particularly the domestic regime type and the level of internal armed conflict. However, the comparison of improvers to democratic or transitional non-improvers shows that these broad factors do not fully determine the outcome.

Governments have choice about whether, how, and how often to use torture. Thus, an effort to apply social science knowledge to the improvement of compliance with international norms against torture should proceed along two parallel lines. The first should focus, as this study has, on identifying configurations of international level and domestic level conditions that are most and least often identified with improved compliance and seek to identify mechanisms for changing those conditions. The second should focus on government motivations for using torture and seek to identify ways that government interest in using it can be reduced even in periods of armed conflict. Research that took up this second line would benefit NGOs, IGOs and governments seeking to improve human rights compliance around the world by revealing why some governments persist in the use of torture and suggesting where efforts to alter such governments' perceptions and incentives would be most effective.

APPENDIX

CASE IDS FOR CHAPTER THREE TRUTH TABLES

Variable Names by Column

MAJOR ARMED CONFLICT - MA
 MINOR ARMED CONFLICT - MI
 DEMOCRACY - DE
 HIGH INCOME - HI
 TRANSITION - TR
 COMPLIANCE - CO

Case IDs for table 3.1

M M D H T C

A I E I R O

1 0 0 0 0 0 => afghanistan =0 peru =0 tajkistan =0 djibouti =0
 liberia =0 rwanda =0 bosnia =0 burundi =0
 iraq =0 sierra leone =0 sudan =0
 1 0 0 0 1 0 => cambodia =0 angola =0 azerbaijan =0 lebanon =0
 croatia =0 georgia =0
 0 0 0 0 1 C => albania =0 namibia =0 cote d'ivoir =0 C.A.R =0
 burkinafaso =0 armenia =0 bulgaria =0
 nepal =0 paraguay =0 romania =0 togo =0
 mauritania =0 thailand =0 zambia =0
 nigeria =0 malawi =0 guinea =0
 lithuania =1 mongolia =1 macedonia =1 ghana =1
 kazakhstan =1 kyrgyzstan =1 tanzania =1 fiji =1
 czech =1 poland =1 slovak =1 ukraine =1 capeverde =1
 latvia =1 panama =1 comoros =1 benin =1 surinam =1
 mali =1
 0 0 1 0 0 C => botswana =0 honduras =0 jamaica =0
 ecuador =0 guyana =0 dominican re =0
 bolivia =0 el salvador =0 pakistan =0
 gambia =1 sao tome =1 st. vincent =1
 grenada =1 dominica =1 western samo =1 soloman
 isla =1 micronesia =1 marshall isl =1 kiribati =1
 costa rica =1 belize =1
 0 0 0 0 0 C => cuba =0 guinea-bissa =0 swaziland =0 equatorial g =0
 bhutan =0 iran =0 syria =0 china =0 haiti =0
 jordan =0 morocco =0 yemen =0 tunisia =0
 zimbabwe =1 uzbekistan =1 vietnam =1 tonga =1
 maldives =1 lesotho =1
 0 1 0 0 0 C => algeria =0 burma =0 chad =0 indonesia =0
 mozambique =0 egypt =0 zaire =0
 uganda =0
 laos =1 madagascar =1
 0 0 1 1 0 C => argentina =0 greece =0 mauritius =0 portugal =0
 italy =0 cyprus =0 brazil =0 chile =0
 mexico =0 uruguay =0 venezuala =0
 malta =1 denmark =1 finland =1 norway =1
 sweden =1 iceland =1 australia =1 canada =1
 newzealand =1 antigua =1 france =1
 germany =1 netherlands =1 luxembourg =1
 switzerland =1 austria =1 belgium =1 ireland =1
 san marino =1 bahamas =1 japan =1 trinidad&tob =1
 singapore =1 st lucia =1 st kitts =1 barbados =1
 malaysia =1
 0 0 0 1 1 C => hungary =0
 estonia =1 slovenia =1


```

M M D H T C
A I E I R O
0 0 0 1 0 C => kuwait =0 saudia arabi=0 belarus =0 gabon =0
                  taiwan =0 libya =0
                  bahrain =1 oman =1 qatar =1 united arab =1
                  brunei =1 seychelles =1 hong-kong =1
                  turkmenistan=1
0 1 1 0 0 0 => nicaragua =0 philippines =0 colombia =0
0 1 0 0 1 0 => ethiopia =0 moldova =0 congo =0 kenya =0
                  cameroon=0 russia =0 bangladesh =0
                  niger =0
1 0 1 0 0 0 => senegal =0 guatemala =0 turkey =0
                  papua new gu=0 india =0 sri lanka =0
0 1 1 1 0 0 => israel =0 spain =0 united kingd=0
0 1 0 1 0 0 => south africa =0

```

Variable Names by Column

```

MAJOR ARMED CONFLICT - MA
MINOR ARMED CONFLICT - MI
DEMOCRACY             - DE
HIGH INCOME           - HI
TRANSITION            - TR
COMPLIANCE            - CO

```

Case IDs for table 3.2

```

M M D H T C
A I E I R O
0 0 0 0 1 C => albania =0 bulgaria =0
                  romania =1 czech =1 poland =1 slovak =1
                  ukraine =1 latvia =1
0 0 1 0 0 1 => lithuania =1 macedonia =1
0 0 0 1 1 C => hungary =0
                  estonia =1 slovenia =1
0 0 1 1 0 C => portugal =0 italy =0 cyprus =0
                  france =1 germany =1 netherlands =1
                  luxembourg =1 switzerland =1 greece =1 malta =1
                  denmark =1 finland =1 norway =1 sweden =1
                  belgium =1 ireland =1 san marino =1 iceland =1
                  austria =1
0 0 0 1 0 0 => belarus =0
1 0 0 0 0 0 => bosnia =0
1 0 0 0 1 0 => croatia =0
0 1 0 0 1 0 => russia =0 moldova =0
0 1 1 1 0 0 => spain =0 united kingd=0
1 0 1 0 0 0 => turkey =0

```

MAJOR ARMED CONFLICT - MA
 MINOR ARMED CONFLICT - MI
 DEMOCRACY - DE
 HIGH INCOME - HI
 TRANSITION - TR
 COMPLIANCE - CO

Case IDs for table 3.3

M M D H T C
 A I E I R O

0 0 1 0 0 C => honduras =0 jamaica =0 grenada =0 guyana =0
 dominica =0 ecuador =0
 bolivia =0 el salvador =0 dominican re = 0
 costa rica = 1 belize = 1 st. vincent =1
 0 0 0 0 0 0 => cuba =0 haiti =0
 0 0 1 1 0 C => argentina =0 brazil =0 chile= 0 mexic= 0
 uruguay =0 venezuala =0
 canada =1 antigua =1 bahamas = 1
 trinidad&tob =1 st lucia =1 st kitts =1 barados =1
 0 1 1 0 0 0 => nicaragua =0 colombia =0
 1 0 0 0 0 0 => peru =0
 0 0 0 0 1 C => paraguay =0
 panama =1 surinam =1
 1 0 1 0 0 0 => guatemala

Variable Names by Column

MAJOR ARMED CONFLICT - MA
 MINOR ARMED CONFLICT - MI
 STATE RELIGION - ST
 DEMOCRACY - DE
 HIGH INCOME - HI
 MILITARY - ML
 REGIME - RE
 TRANSITION - TR
 COMPLIANCE - CO

Case IDs for table 3.4

M M S D H M R T C
 A I T E I L E R O

1 0 1 0 0 0 1 0 0 => afghanistan =0 peru =0
 1 0 1 0 0 0 1 1 0 => cambodia =0
 0 0 0 0 0 0 0 1 C => albania =0 namibia =0 cote d'ivoir =0
 C.A.R =0 burkinafaso =0
 lithuania =1 mongolia =1 macedonia =1
 ghana =1 kazakhstan =1 kyrgyzstan =1
 tanzania =1 fiji =1 mali =1
 0 0 0 1 0 0 0 0 C => botswana =0 honduras =0 jamaica =0
 gambia =1 sao tome =1 st. vincent =1
 grenada =1 dominica =1 western samo=1
 soloman isla=1 micronesia =1 marshall isl=1
 kiribati =1

M	M	S	D	H	M	R	T	C	
A	I	T	E	I	L	E	R	O	
0	0	0	0	0	0	0	0	C	=>
0	1	1	0	0	1	1	0	0	=>
1	0	0	0	0	0	0	1	0	=>
1	0	0	0	0	0	0	0	0	=>
0	0	1	1	1	0	1	0	C	=>
0	0	1	0	0	0	1	1	0	=>
0	0	1	1	0	0	1	0	1	=>
0	0	0	1	1	0	1	0	C	=>
0	0	0	0	1	0	1	1	C	=>
0	0	0	1	1	0	0	0	1	=>
0	0	1	1	1	0	0	0	1	=>
0	0	1	0	1	0	0	0	C	=>
0	1	1	0	0	0	0	1	0	=>
0	0	0	0	1	0	1	0	C	=>
0	0	0	1	0	0	1	0	C	=>
0	0	0	0	0	0	1	1	C	=>
0	0	1	0	0	0	0	0	C	=>
0	0	1	0	0	0	0	1	C	=>
0	0	1	0	0	0	0	1	0	=>
0	1	0	0	0	1	0	0	0	=>
0	1	0	0	0	0	0	0	C	=>
0	1	0	0	0	0	0	1	0	=>
0	0	0	0	0	0	1	0	0	=>
0	0	0	0	0	1	0	0	C	=>
0	1	0	0	0	1	0	0	0	=>
0	1	0	0	0	0	0	0	C	=>
0	1	0	0	0	0	0	1	0	=>
0	0	0	0	0	0	1	0	0	=>
1	0	0	1	0	0	1	0	0	=>
1	0	0	0	0	0	1	1	0	=>
0	1	0	1	0	0	0	0	0	=>
0	1	0	0	0	0	1	0	0	=>
0	1	0	0	0	0	1	1	0	=>
0	1	0	0	0	0	1	1	0	=>

cuba =0	guinea-bissa =0	swaziland =0
equatorial g =0		
zimbabwe =1	uzbekistan =1	vietnam =1 tonga =1
algeria =0		
angola =0	azerbaydzhan =0	lebanon =0
georgia =0		
tajkistan =0	djibouti =0	liberia =0 rwanda =0
argentina =0	greece =0	
malta =1	denmark =1	finland =1 norway =1
sweden =1	iceland =1	
armenia =0	bulgaria =0	nepal =0 paraguay =0
costa rica =1		
mauritius =0	portugal =0	italy =0 cyprus =0
brazil =0	chile =0	mexico =0 uruguay =0
venezuala =0		
australia =1	canada =1	new zealand =1
antigua =1	france =1	germany =1
netherlands =1	luxembourg =1	switzerland =1
austria =1	belgium =1	ireland =1 san marino =1
hungary =0		
estonia =1	slovenia =1	
bahamas =1	japan =1	trinidad&tobago =1
singapore =1	st lucia =1	st kitts =1
barbados =1	malaysia =1	
kuwait =0	saudia arabi =0	bahrain =1 oman =1
qatar =1	united arab =1	brunei =1
bangladesh =0		
belarus =0		
seychelles =1		
ecuador =0	guyana =0	domincan re =0
belize =1		
romania =0	togo =0	czech =1 poland =1
slovak =1	ukraine =1	capeverde =1 latvia =1
panama =1	benin =1	surinam =1
bhutan =0	iran =0	
maldives =1		
mauritania =0	thailand =0	zambia =0
comoros =1		
bolivia =0	el salvador =0	pakistan =0
bosnia =0	burundi =0	
nigeria =0	malawi =0	
syria =0		
lesotho =1		
burma =0		
chad =0	indonesia =0	mozambique =0
laos =1	madagascar =1	
moldova =0	congo =0	kenya =0 ethiopia =0
niger =0		
china =0		
senegal =0	guatemala =0	turkey =0
croatia =0		
nicaragua =0		
egypt =0	zaire =0	
cameroon =0	russia =0	

0 1 0 1 0 0 1 0 0 =>	philippines =0	colombia=0
0 0 0 0 1 0 0 0 C =>	gabon =0	taiwan =0
1 0 0 1 0 0 0 0 0 =>	hong-kong =1	turkmenistan =1
0 0 0 0 0 1 1 1 0 =>	papua new gu=0	india =0
0 0 1 0 0 1 0 0 0 =>	guinea =0	
1 0 1 0 0 0 0 0 0 =>	haiti =0	
0 1 0 1 1 0 1 0 0 =>	iraq =0	
0 0 1 0 0 0 1 0 0 =>	israel =0	spain =0
0 0 1 0 1 0 1 0 0 =>	jordan =0	morocco =0 yemen =0 tunisia =0
1 0 0 0 0 1 0 0 0 =>	libya =0	
0 1 0 0 1 0 0 0 0 =>	sierra leone=0	
1 0 1 1 0 0 0 0 0 =>	south africa=0	
1 0 1 0 0 1 0 0 0 =>	sri lanka =0	
0 1 0 0 0 1 1 0 0 =>	sudan =0	
0 1 1 1 1 0 1 0 0 =>	uganda =0	
	united kingd=0	

MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
STATE RELIGION	- ST
DEMOCRACY	- DE
HIGH INCOME	- HI
TRANSITION	- TR
REGIME	- RE
COMPLIANCE	- CO

IDs for table 3.5

M M S D H T R C
A I T E I R E O

0 0 0 0 0 1 0 0 =>	albania =0
0 0 1 1 0 0 1 1 =>	lithuania =1 macedonia =1
0 0 1 0 0 1 1 0 =>	bulgaria =0
0 0 0 0 1 1 1 C =>	hungary =0
	estonia =1 slovenia =1
0 0 0 1 1 0 1 C =>	portugal =0 italy =0 cyprus =0
	france =1 germany =1 netherlands =1
	luxembourg =1
	switzerland =1 austria =1 belgium =1 ireland =1
	san marino =1
0 0 1 1 1 0 1 1 =>	greece =1 malta =1 denmark =1 finland =1
	norway =1 sweden =1 iceland =1
0 0 0 0 1 0 1 0 =>	belarus =0
0 0 0 0 0 1 1 1 =>	romania =1 czech =1 poland =1 slovak =1
	ukrain =1 latvia =1
1 0 0 0 0 0 1 0 =>	bosnia =0
1 0 0 0 0 1 1 0 =>	croatia =0
0 1 0 0 0 1 1 0 =>	russia =0
0 1 0 1 1 0 1 0 =>	spain =0
1 0 0 1 0 0 1 0 =>	turkey =0
0 1 1 1 1 0 1 0 =>	united kingd =0
0 1 0 0 0 1 0 0 =>	moldova =0

MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
STATE RELIGION	- ST
DEMOCRACY	- DE
HIGH INCOME	- HI
MILITARY	- ML
TRANSITION	- TR
REGIME	- RE
COMPLIANCE	- CO

Case IDs for table 3.6

M M S D H M T R C
A I T E I L R E O

0 0 0 1 0 0 0 0 C =>	honduras =0 jamaica =0 grenada =0 dominica =0 st. vincent =1
0 0 0 0 0 0 0 0 0 =>	cuba =0
0 0 1 1 1 0 0 1 0 =>	argentina =0
0 0 1 1 0 0 0 1 1 =>	costa rica =1
0 0 0 1 1 0 0 1 C =>	brazil =0 chile =0 mexico =0 uruguay =0 venezuala =0 canada =1 antigua =1
0 0 0 1 1 0 0 0 1 =>	bahamas =1 trinidad&tob=1 st lucia =1 st kitts =1
0 0 1 1 1 0 0 0 1 =>	barbados =1
0 0 0 1 0 0 0 1 C =>	ecuador =0 guyana =0 dominican re=0 belize =1
0 0 1 1 0 0 0 0 0 =>	bolivia =0 el salvador =0
1 0 0 1 0 0 0 1 0 =>	guatemala =0
0 1 0 1 0 0 0 0 0 =>	nicaragua =0
1 0 1 0 0 0 0 1 0 =>	peru =0
0 0 1 0 0 1 0 0 0 =>	haiti =0
0 0 0 0 0 0 1 1 1 =>	panama =1 suriname =1
0 0 1 0 0 0 1 1 0 =>	paraguay =0
0 1 0 1 0 0 0 1 0 =>	colombia =0

Variable Names by Column	
MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
STATE RELIGION	- ST
DEMOCRACY	- DE
UN MEMBER	- UN
EUROPEAN MEMBER	- EU
HIGH INCOME	- HI
TRANSITION	- TR
COMPLIANCE	- CO

Case IDs for table 3.7

M M S D U E H T C
A I T E N U I R O

0 0 0 0 0 0 0 1 0 =>	albania =0
0 0 1 1 1 0 0 0 1 =>	lithuania =1 macedonia =1
0 0 1 0 1 0 0 1 0 =>	bulgaria =0
0 0 0 0 1 0 1 1 1 =>	estonia =1 slovenia =1
0 0 0 0 1 1 1 1 0 =>	hungary =0
0 0 0 1 1 1 1 0 C =>	portugal =0 italy =0 cyprus =0
	france =1 germany =1 netherlands =1
0 0 1 1 1 1 1 0 1 =>	luxembourg =1 switzerland =1 austria =1
	greece =1 malta =1 denmark =1 finland =1
	norway =1 sweden =1
0 0 0 0 1 0 1 0 0 =>	belarus =0
0 0 0 1 0 1 1 0 1 =>	belgium =1 ireland =1 san marino =1
0 0 0 0 1 0 0 1 1 =>	romania =1 czech =1 poland =1 slovak =1
	ukraine =1 latvia =1
1 0 0 0 1 0 0 0 0 =>	bosnia =0
1 0 0 0 1 0 0 1 0 =>	croatia =0
0 1 0 0 1 0 0 1 0 =>	russia =0
0 0 1 1 0 1 1 0 1 =>	iceland =1
0 1 0 1 1 1 1 0 0 =>	spain =0
1 0 0 1 1 1 0 0 0 =>	turkey =0
0 1 1 1 1 1 1 0 0 =>	united kingd =0
0 1 0 0 0 0 0 1 0 =>	moldova =0

MAJOR ARMED CONFLICT	- MA
MINOR ARMED CONFLICT	- MI
STATE RELIGION	- ST
DEMOCRACY	- DE
UN MEMBER	- UN
AMERICAN MEMBER	- AM
HIGH INCOME	- HI
MILITARY	- ML
TRANSITION	- TR
COMPLIANCE	- CO

Case IDs for the table 3.8

M M S D U A H M T C
A I T E N M I L R O

0 0 0 1 0 0 0 0 0 0 =>	honduras =0 jamaica =0 grenada =0
0 0 0 0 0 0 0 0 0 0 =>	dominica =0 st. vincent =1
0 0 1 1 1 1 1 0 0 0 =>	cuba =0
0 0 1 1 1 0 0 0 0 1 =>	argentina =0
0 0 0 1 1 0 1 0 0 1 =>	costa rica =1
0 0 0 1 0 0 1 0 0 1 =>	canada =1 antigua =1
	bahamas =1 trinidad&tob =1
0 0 1 1 0 0 1 0 0 1 =>	st lucia =1 st kitts =1
0 0 0 1 1 0 0 0 0 C =>	barbados =1
	ecuador =0 guyana =0
0 0 1 1 0 0 0 0 0 0 =>	belize =1
0 0 0 1 1 1 1 0 0 0 =>	bolivia =0 el salvador =0
	brazil =0 chile =0 mexico =0 uruguay =0
0 1 0 1 0 0 0 0 0 0 =>	venezuala =0
0 0 0 1 0 1 0 0 0 0 =>	nicaragua =0
1 0 0 1 1 1 0 0 0 0 =>	dominican re =0
1 0 1 0 1 1 0 0 0 0 =>	guatemala =0
0 0 1 0 0 0 0 1 0 0 =>	peru =0
0 0 0 0 1 1 0 0 1 1 =>	haiti =0
0 0 1 0 1 1 0 0 1 0 =>	panama =1
0 1 0 1 1 0 0 0 0 0 =>	paraguay =0
0 0 0 0 0 1 0 0 1 1 =>	colombia =0
	surninam =1

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